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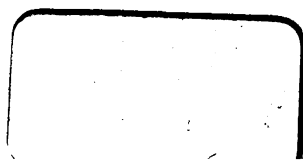
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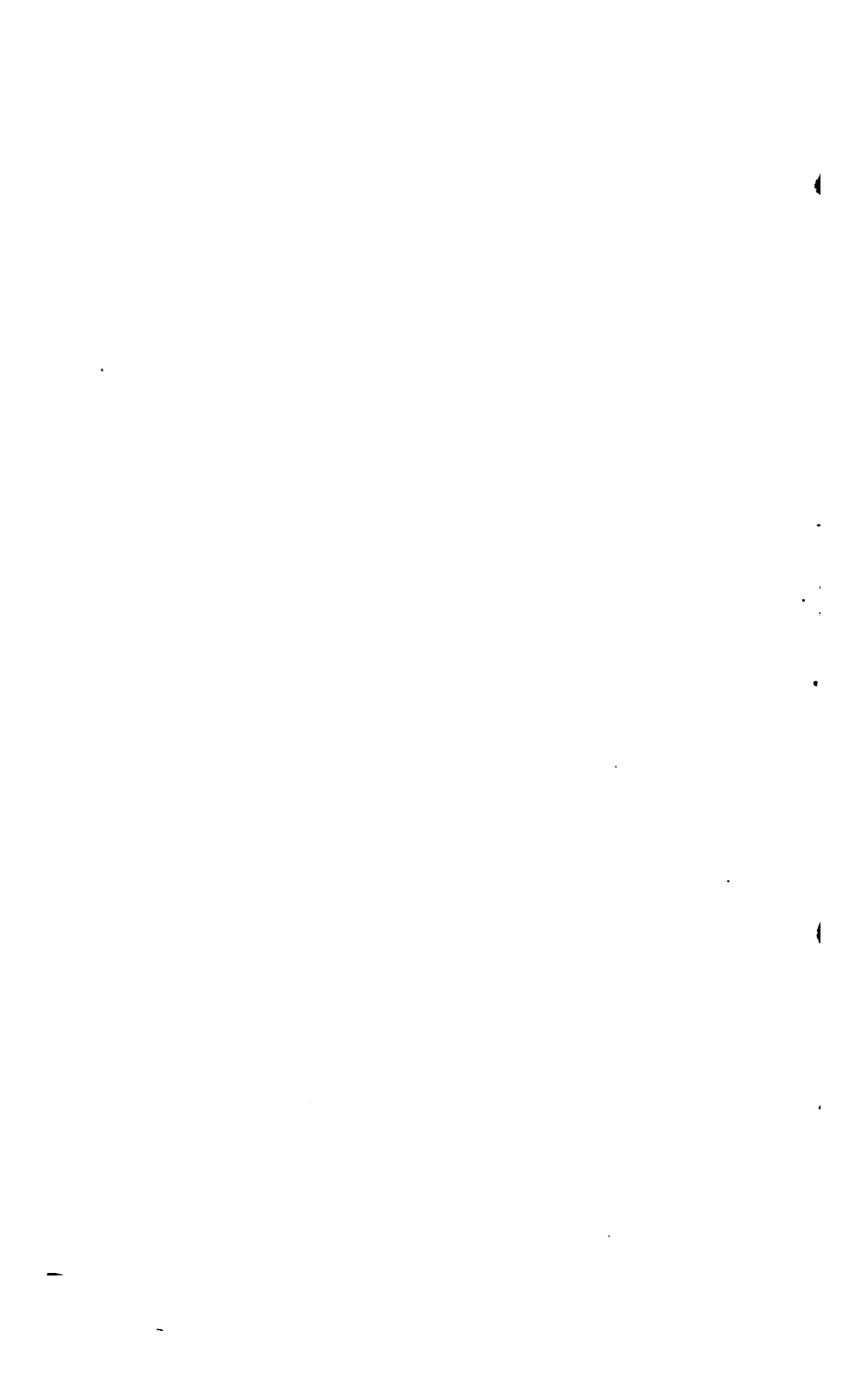
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*Revised 1811*

# ACTS

PASSED AT THE FIRST SESSION

OF THE

NINETEENTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF

KENTUCKY,

BEGUN AND HELD IN THE CAPITOL, IN THE TOWN OF

FRANKFORT, ON MONDAY THE THIRD DAY OF,

DECEMBER, 1810, AND OF THE COM-

MONWEALTH THE NINETEENTH.

—:—:—  
PUBLISHED BY AUTHORITY.  
—:—:—

FRANKFORT,

PRINTED BY WILLIAM GERARD,

PRINTER TO THE STATE.

1811.

L14090

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# ACTS.

## CHAPTER CLXXXVIII.

### AN ACT

*Altering the CHANCERY TERM of the Fayette Circuit Court, in the year 1811.*

APPROVED, 17th December, 1810.

SEC. 1. **B**E it enacted by the General Assembly, That the circuit court of Fayette county, for the trial of Chancery Causes, which is now directed by law to be held on the fourth Monday in January in each year, shall in the year 1811, be held on the first Monday in August, instead of the fourth Monday in January; and that all process returnable to said January term, be returnable to the March term of said circuit court: *provided*, that the said circuit court, shall be held during the first week of the session, by the assistant judges thereof, so as to enable the circuit judge, to attend the Boone circuit court, which commences its August session, on the first Monday in said month.

Term in January.  
Return of process.  
Proviso.

SEC. 2. *Be it further enacted*, That the clerk, and other officers of said court, shall perform the same duties at the said August term; as by law, they are directed to perform at the January term of said court; and that the same may sit eighteen juridical days, if the business thereof require it.

Duty of officers of court.

SEC. *And be it further enacted*, That nothing in this act contained, shall be so construed, to alter or change, the times of holding the county courts of the said county of Fayette.

county courts

## CHAP. CLXXXIX.

## AN ACT

*Establishing the LEBANON ACADEMY, in the County  
of Christian.*

APPROVED, DECEMBER 17, 1810.

Trustees SEC. 1. **B**E it enacted by the General Assembly,  
That Fines Ewing, Ephraim McClean,  
Samuel Moore, Young Ewing, Daniel Benham, Ro-  
bert Coleman and David Barty, gentlemen, shall be,  
and are hereby constituted a body politic and corpo-  
rate, to be known by the name of the trustees of the  
Lebanon academy : and by that name, shall have per-  
petual succession and a common seal, with power to  
change or alter the same at pleasure : And as a body  
corporate, shall be authorised to exercise all the pow-  
ers and privileges, that are now enjoyed by the trus-  
tees of any academy or seminary of learning, in this  
state. And on the death, resignation, or other dis-  
qualification of any of the trustees aforesaid, or their  
successors, a majority of the remaining trustees,  
shall fill such vacancy ; and the person so appointed,  
shall be vested with the same power and authority,  
as if specially named by this act : And by the name  
and style of the trustees of the Lebanon Academy,  
may sue and implead, and be sued and impleaded, in  
any court in law or equity, or before any tribunal ha-  
ving cognizance of the same.

May receive donations. SEC. 2. The said trustees, and their successors,  
shall have power in their corporate capacity, to pur-  
chase or receive by donation, any lands, tenements,  
hereditaments, monies, rents, goods and chattels,  
and to hold the same by the name aforesaid, to them  
and their successors forever, for the use of the said  
academy ; and to sell, alien, or transfer, any such  
lands, goods and chattels, and apply the proceeds to  
the benefit thereof.

SEC. 3. The person first named herein, or in his absence or refusal to act, the next shall notify the time and place, for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter, the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such bye-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place, for erecting the buildings for the said academy. *Provided*, That a majority of all the trustees, shall be necessary to attend on the making any contract, bye-laws, or fixing the permanent seat of the same.

Regulations  
respecting  
the meetings

Clerk & chairman appointed

Further powers of Trustees

SEC. 4. A majority of said trustees shall have power, to engage and employ, a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor, or student, may dismiss or expel, such tutor, professor or student, from the said academy,

Tutors &c to be employed

May be expelled

## CHAP. CXC.

### AN ACT

*Directing the Auditor of Public Accounts, to suspend the issuing of any WARRANT to any Clerk within this Commonwealth for his services in copying the Commissioners' lists of TAXABLE PROPERTY, until he is further directed by Law.*

APPROVED, DEC. 17, 1810.

**W**HEREAS it is represented to the present General Assembly, That great impositions are likely to take place, in consequence of the improper

manner in which sundry clerks of county courts in this commonwealth, make out their charges for copying commissioners' lists, under the act of last session on that subject : For remedy whereof,

*BE it enacted by the General Assembly,* That the Auditor of Public Accounts be, and he is hereby directed, to suspend the issuing of any warrant to any clerk for his services in copying the commissioners' lists of taxable property, until he is further directed by law.

CHAP. CXCI.

AN ACT

*For the relief of JOSEPH REED.*

APPROVED, DECEMBER 17, 1810.

Recital

**W**HEREAS it is represented to the present general assembly, that Joseph Reed obtained from the commissioners, a certificate for two hundred acres of land, No. 4562 ; and it further appears, that the said Reed purchased from Henry Robertson, another certificate, No. 4429 ; out of which last mentioned certificate, the county court of Livingston granted a removal for fifty seven and one half acres ; which said remove was afterwards assigned to John Scott ; but the register in issuing the grant to the said Scott, issued it out of the No. 4562, whereas it ought to have been out of No. 4429—For remedy whereof—

Register to  
make certain  
corrections

*Be it enacted by the general assembly,* That on the grant aforesaid being presented to the register of the land office, he is hereby directed and required, so far to alter the same, as well as the record book, as that it shall appear to have issued out of the certificate No. 4429, granted to Henry Robertson, and by him assigned to Joseph Reed ; and that the said Reed be permitted to obtain his grant, on his own proper head-right No. 4562, as in other cases ; he

having first produced a receipt for the full amount of the state price due thereon,

CHAP. CXCII,

AN ACT

*For the benefit of MATTHEW SINGLETON.*

APPROVED, DECEMBER 17, 1810.

**W**HEREAS, it appears to the present general assembly, that Matthew Singleton is an object of charity, owing to his indigence and unsoundness of mind, he having legally been found a lunatic, by inquest for that purpose : and having obtained a certificate for 245 acres of head-right, land, lying on Fishing creek, in the county of Lincoln, is unable to pay for the same, and incapable of acquiring title thereto—Wherefore,

Recital

*Be it enacted by the general assembly,* That so much of the state price, on the aforesaid tract of land, as yet remains due, be, and the same is hereby remitted to the said Matthew Singleton : and the register of the land office, is hereby directed to issue to the said Matthew Singleton, a patent for the aforesaid tract of land ; which tract of land shall not in any manner or way, be disposed of during the lunacy of the said Matthew, or for one year thereafter : But the same shall remain in the hands and possession of his wife and children, for their use and benefit.

State price on certain lands remitted

Grant to issue

Restrictive use

## CHAP. CXIII,

## AN ACT

*Incorporating the Directors of the Winchester Library Company.*

APPROVED, DECEMBER 27, 1810.

Directors

SEC. 1. **B**E it enacted by the general assembly, That William N. Lane; James Simpson, James Clark, Chilton Allen, and Samuel Hanson, and their successors, duly elected or appointed, in manner hereinafter directed be, and they are hereby made, declared and constituted, a corporation and body politic, in law and in fact, to have continuance forever, by the name, style and title of the directors of the Winchester library company.

Style

Legal capacity of the corporation

SEC. 2: *And be it further enacted*, That the said corporation by the name and style aforesaid, shall be hereafter forever capable in law, to sue and be sued, plead and be impleaded, in any court or courts, or other places, or before any judge or justice within this commonwealth, or elsewhere, in all manner of suits, actions, or complaints of whatsoever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate may, or can do.

what funds may be acquired and vested in the corporation

SEC. 3. *And be it further enacted*, That all and singular the sums of money, books, goods and chattels, which may be subscribed, given, granted or devised to the said company, or to any person or persons for the use thereof, shall be vested in, and confirmed to said corporation; and that the said corporation may take and receive any sum or sums of money; or any goods, chattels or other effects, of what kind or nature soever, which may be given, granted or bequeathed unto them, by any person or persons, bodies politic or corporate, capable of making such gift or bequest; such money, goods, chattels or other effects to be laid out and disposed of in

appropriation of sums raised

the purchase of books, maps, charts, drawings for the use and benefit of said company, agreeably to the intention of the donors or subscribers.

Sec. 4. *Be it further enacted*, That the said corporation shall have full power to make and use a common seal, with such device and inscription, as they shall think proper, and the same to break, alter and renew at pleasure ; to appoint a treasurer, secretary and librarian ; to assign them their duties ; fix their compensation, and remove him or them from office, and appoint another, or others in his or their place, or places, as often as they shall think fit ; to make and execute such bye-laws and ordinances, as may be deemed useful to the institution ; and the same to alter, amend or abrogate at pleasure ; to fix the price of shares, and the annual contributions on each share ; to direct how transfers may be made and certified, and judge of the persons proper to be admitted as shareholders ; to procure by purchase, rent or otherwise, a suitable place for keeping the library ; to appoint the times for keeping the library open, and for taking out and returning books ; to fill up the vacancies that may happen in their number between two half yearly meetings ; to levy and collect fines and forfeitures, and to determine upon, and transact all matters appertaining to the said corporation or library company, agreeably to the rules, ordinances and bye-laws thereof, during their continuance in office—*Provided however*, that not less than three of the directors shall be a quorum to do business ; that no bye-laws shall be made repugnant to the laws of this commonwealth, and that no contribution shall be laid on any share, in any one year, greater than one fifth of the value of a share, without the consent of a majority of the members.

Sec. 5. *And be it further enacted*, That there shall be a semi-annual meeting of the members of the said library company, at the library or such suitable place as the directors may from time to time appoint, of which the directors shall cause at least ten days notice to be affixed on the door of the court-house, in the town of Winchester, or on the doors of the taverns or public houses in said town ; at which

Their seal

Appoint certain officers

May enact bye laws, &c.

Further powers

Provide

Restrictions

Meetings of the shareholders

who shall vote  
for President  
and directors

time and place the members, or such of them as may be present, either personally or by proxy, evidenced under the hand of the shareholder, and shall not be in arrears for any annual contributions, fines or forfeitures, shall elect and choose by ballot, five directors out of their number to serve for the half year ensuing their election, and until others shall be elected and consent to serve in their places ; *Provided always*, That a majority of the shareholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors, and that each shareholder shall be entitled to one vote for each share he shall possess in the institution ; and that the concurrence of all the shareholders present as aforesaid, shall be essential to the election of a director.

Proviso:

No. votes  
each share-  
holder enti-  
tled to

Books of the  
corporation

Sec. 6. *And be it further enacted*, That the directors shall cause the treasurer, secretary and librarian, to keep, in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company, and have them laid before the company at every half yearly meeting, previous to taking the votes for directors ; and shall always deliver the said books, together with all the property of the company, in good order, to their successors in office, whenever required.

First election  
for directors;  
when held

Sec. 7. *Be it further enacted*, That the first election for directors, by virtue of this act, shall be held on the first Saturday in January next ; and the second election on the first Saturday in January next ensuing ; and on the first Saturdays of January and July in every year forever thereafter ; and in case a majority should fail to appear at the times appointed to hold elections of directors, that elections shall be held as soon thereafter, as the attendance of a majority of the shareholders can be obtained for that purpose, previous notice thereof being given as aforesaid : *Provided always*, that if twenty shares shall not be subscribed for, prior to the period limited for the first election by this act, then the said election shall be postponed until the aforesaid twenty subscribers shall be obtained.

General elec-  
tions

Proviso

Shares may  
be transferred

Sec. 8. *Be it further enacted*, That each shareholder shall be at liberty, at all times, to transfer or

relinquish his share or shares, and that he shall forever thereafter be released from all further contribution on account thereof. *Provid'd however,* That the Legislature of this state reserve to themselves the power, at all times, to alter, amend or repeal this act. or relinquish  
ed

CHAP. CXCIV.

AN ACT

*To keep open and improve the navigation of Big Barren river, from the mouth of Bay's fork in Warren county, to the mouth of Long creek in Barren county.*

APPROVED, December 27, 1810.

SEC. 1. **B**E it enacted by the General Assembly, That Alexander Davidson, jun. and Samuel Parker, of Barren county, and John Godly, of Warren county, are appointed <sup>Commissioners</sup> commissioners, to open and keep in repair the navigation of big Barren river, from the mouth of Bays. fork in Warren county, to the mouth of Long creek in Barren county : and they are hereby empowered to raise by subscription, the sum of one thousand dollars, either in money, <sup>Sum to be raised</sup> property or labor, for the purpose aforesaid ; and the said commissioners, or a majority of them, are hereby authorised to cause all obstructions to the navigation of said stream, to be removed ; and to cut down all timber projecting over said stream ; shrub all points of islands ; remove all fish dams, rocks or logs ; and the said commissioners, or a majority of them, as soon as they shall raise a sufficient sum for the purpose aforesaid, may proceed to employ hands, and superintend the clearing out of said stream, agreeably to the provisions of this act : *provided however,* that the said commissioners, before they proceed to clear out said stream shall, in the <sup>how appropriated</sup> <sup>Commissioners to give bond</sup>

county court of Barren, enter into bond, with security to be approved of by the said court, in the sum of fifteen hundred dollars, conditioned to appropriate the money, property and labor, to removing the obstructions on said stream, in pursuance of the directions of this act; and the said commissioners shall receive compensation for their services, in proportion to the time they or either of them may serve, out of the subscriptions to be raised by this act, not exceeding one dollar for each day which they shall actually serve, in clearing out said stream.

**Penalty** . . . . .  
**Condition** . . . . .  
**compensation** . . . . .  
**Penalty on placing obstructions in the stream** . . . . .  
**How subscriptions recovered** . . . . .

**SEC. 2.** *And be it further enacted,* That from and after the passage of this act, any person erecting, or causing to be erected, any fish dams, bridges or other obstructions to the passage of boats, up or down said stream, shall for every such offence, forfeit and pay five dollars, for every twenty four hours such obstruction shall remain therein.

**SEC. 3.** *And be it further enacted,* That the commissioners under this act, shall be authorised to institute suits before the competent tribunals, to recover the subscriptions under this act.

## CHAP. CXCIV.

### AN ACT

*For the relief of* THOMAS MEANS.

APPROVED, December 27, 1810.

**W**HEREAS it is represented to the present general assembly, That Thomas Means entered two hundred acres of land in Barren county, being the head-right whereon he now lives;—when the surveyor, who was employed to lay off the said two hundred acres came on the ground, he was directed by said Means, to run a certain boundary and find the contents, which made about one hundred and thirty acres: subsequently the surveyor was directed with certain of said lines, so as to

include two hundred acres, which he did, but in making out the platt, through mistake, included only about one hundred and thirty acres, which was laid off by the first boundary. The said platt and certificate being thus returned to the register, the patent issued for two hundred acres, for which he paid up the state price in full ; but upon inspection it is found, the boundary prescribed in said patent, contains only one hundred and thirty acres, or thereabouts---Wherefore,

Sec. 1. *BE it enacted by the general assembly*, That the register of the land office shall, and he is hereby directed, to issue a patent for the boundary which was run and marked by said surveyor, including two hundred acres.

Sec. 2. *And be it further enacted*, That the said Thomas Means shall transmit a certificate from the county surveyor, specifying the true boundary which was run by said surveyor, when said two hundred acres was laid off.

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## CHAP. CXCVI.

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### AN ACT

*To amend an act entitled "an act to amend the law respecting CUT MONEY."*

Approved, December 27, 1810.

Sec. 1. *BE it enacted by the general assembly*, That the oath required to be taken of collectors of public money, by virtue of the second section of the act entitled "An act to amend the law respecting cut money," shall be administered by the treasurer only ; and any collector swearing falsely in the premises, shall be deemed guilty of perjury, and liable to the punishment provided by law for that offence.

CAP. CXCVII.

## AN ACT

for the relief and benefit of the sheriffs of this commonwealth,

APPROVED, December 22, 1810.

Recital

**W**HEREAS, Richard Davis, sheriff of Hopkins county, having failed to return his list of delinquents agreeably to law, in the year 1809, owing to the want of time to travel to Frankfort, from the session of the court of claims of the said county, until the limitation for the returning of lists of delinquents by law, had expired : and whereas a law passed at the last session of the legislature, allowing the said sheriff the privilege of returning his list of delinquents, within the space of fifteen days from the passage of the said law ; but from an inconsiderable informality which existed in the said list, the auditor of public accounts did not feel himself authorised then to receive it ; and before it could be returned and corrected, the said time of fifteen days had expired —Wherefore,

Richard Davis

*SEC. 1. Be it enacted by the General Assembly,* That the said Richard Davis, shall be authorised to draw from the treasury the certified amount of the delinquent list of Hopkins county, for the year 1809, the said Davis having first produced the said list, within four days from the passage of this law, to the auditor of public accounts, after the manner prescribed by law ; and having obtained from him the necessary receipt.

certain shffs.  
allowed long  
er time to re-  
turn lists of  
delinquents

*SEC. 2. Be it further enacted,* That in all cases where any sheriff of this commonwealth shall have been unable to return their delinquent lists for the year 1809, in the time prescribed by law ; and have by reason thereof, been prevented from getting their said delinquent lists allowed by the auditor ; and have notwithstanding paid up, and obtained their

quietus', shall, within the space of three months from the passage of this act, be entitled to a warrant from the auditor for the amount of his delinquent list, upon his producing the same to the auditor, duly certified according to law: and in cases where sheriffs shall not have obtained his quietus, that said sheriff shall have the further time of ten days after the passage of this act, to return his said delinquent list.

Sec. 3. And whereas, from a number of unforeseen accidents and causes, sheriffs have been deprived of the benefit of their delinquent list, in settling with the auditor for the revenue tax, and without remedy only by a special law for that purpose:— Therefore, in order to prevent the frequent applications to the legislature for that purpose—

Time extended for returning delinquent lists in case of accidents

*Be it enacted*, that it shall be lawful for the auditor, at any time before the first day of January in every year, to receive the delinquent list of any sheriff, certified as the law directs; and if such sheriff shall have settled up the whole revenue due from him, to grant such sheriff a warrant on the treasurer, for the amount of such delinquent list.

## CHAP. CXCVIII.

### AN ACT

*For the relief of the Sheriff of Cumberland County.*

Approved, December 22d, 1810.

**W**HEREAS it is represented to the general assembly, that Nicholas Talbot, sheriff of Cumberland county, has been prevented by unavoidable circumstances, from getting his list of delinquents in the revenue due in the year 1810, certified within the time prescribed by law: For remedy whereof,

*BE it enacted by the general assembly of the commonwealth of Kentucky*, That the further time of two

months from and after the passage of this act, shall be allowed to the said Nicholas Talbot, sheriff as aforesaid, to get his list of delinquents for said year certified and transmitted to the auditor of public accounts, who is hereby directed to receive and settle the same, as if it had been certified and returned to him in due time, any law to the contrary notwithstanding.

CHAP. CXCIX.

AN ACT

*Authorising the County Court of Jefferson county to lay their County Levy.*

APPROVED, Dec. 19, 1810.

**W**HEREAS it is represented to the present general assembly, that the county court of Jefferson county, owing to the imperfect returns of the lists of taxable property for the present year, has been unable to lay the county levy : Therefore,

*BE it enacted by the general assembly,* That the county court of Jefferson county may, at the next January term of said court, a majority of all the justices for the county being present, proceed to lay their county levy ; which, when done according to the provisions of this act, shall be as valid and effectual, as if done at the proper term. .

CHAP. CC.

AN ACT

*To amend the act entitled an act for the regulation of  
the town of Monticello, in the county of Wayne.*

APPROVED, December 19, 1810.

**W**HEREAS the act passed at the last session of the general assembly, entitled an act for the regulation of the town of Monticello, in the county of Wayne, has not been carried into effect, owing to the promulgation of the law being later than the time of electing trustees, as directed by the before recited act : Therefore,

Sec. 1. *BE it enacted by the general assembly, That* the election of trustees for the said town of Monticello, may be held on the second Saturday in May next ; subject to all the rules and regulations that are provided for in the said recited act ; and the said trustees, when so elected, shall be vested with all the powers to carry into effect the before recited act, as are therein given to trustees.

Sec. 2. *And be it further enacted, That* elections for trustees for said town, shall hereafter be held on the second Saturday in May in every two years thereafter, any law to the contrary notwithstanding.

CHAP. CCI.

AN ACT

*For the relief of HANS HARPER.*

APPROVED, DECEMBER 19, 1810.

**W**HEREAS, satisfactory proof has been exhibited to the present general assembly, that

Hans Harper did, on the 23d day of November, 1807, pay nine dollars and seven cents, on a tract of land in Barren county, containing 200 acres, in the name of Thomas Bates, certificate No. 2250, by mistake, as the first instalment on said land, which he intended to have paid for the first instalment on 200 acres, in Robert Bates' name, certificate No. 2358.

*Be it therefore enacted by the general assembly,* That the auditor of public accounts be directed and authorised, to apply the aforesaid sum to the credit of the first instalment of the certificate in Robert Bates' name, for two hundred acres, the No. of which is 2358 : and all claims acquired by the commonwealth to said land, in Robert Bates' name, is hereby relinquished.

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## CHAP. CCII.

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### AN ACT

*Erecting election precincts in the counties of Hardin and Caldwell.*

APPROVED, Dec. 19, 1810.

SECL. 1. **B**E it enacted by the General Assembly,

That all that part of Hardin county included in the following bounds, viz.—Beginning at the mouth of Nolin creek : thence up the same, to the mouth of Jacob Miller's spring branch ; thence a direct line, to the Elk spring, near Jacob's Knob ; thence a straight line, to the county line dividing Green and Hardin counties, so as to include Linn-camp creek within the bounds of the precinct ; thence with the said dividing line, between the said counties of Green and Hardin, to Green river ; thence down Green river, to the beginning—shall be, and the same is hereby erected into an election precinct, in the said county of Hardin.

Boundary of  
Hardin pre-  
cinct

SEC. 2. *Be it further enacted*, That all the qualified voters, for the said county of Hardin, living within the bounds of the precinct hereby laid off, shall meet at the house of Arthur M'Gaughey, in said precinct, on the day appointed by the constitution and laws of this state, and vote in all cases, where elections are to be held in the same manner, and under the same rules and regulations, as if they were voting at Elizabeth-town, in the court-house of the said county of Hardin, subject to the same fines, penalties and forfeitures in all cases, as if this act had not passed, and as if said voters were voting or attempting to vote, in the said court-house of Hardin county.

Place of voting

SEC. 3. *Be it further enacted*, That the county court of Hardin county shall, at the same time they appoint a clerk and judges, to preside at the election for the balance of the said county, shall also appoint a clerk and judges to preside at the election to be held in the precinct hereby erected; and further, appoint a deputy sheriff: and the said sheriff, clerk and judges shall be, in all cases, governed, in conducting said election, to be held in said precinct, as if the same were held at the said court-house of Hardin county.

court to appoint judges, clerk, &c-

SEC. 4. *Be it further enacted*, That the sheriff who presides at the election of the said precinct, shall meet the sheriff who presides at the court-house of Hardin county, in the said court-house, on the fourth day after the commencement of the election, and compare the polls, and make return agreeable to the constitution and laws of the state.

when and where polls to be compared

SEC. 5. *And be it further enacted*, That all that part of Caldwell county, lying north of the road leading from Christian court-house to Centreville be, and the same is erected into an election precinct.

boundary of Caldwell precinct

SEC. 6. All the qualified voters in the said precinct, shall meet at the house of John C. Dodd, on the day appointed by law, and vote in all cases, where elections are to be held in the same manner, and under the same rules and regulations, as if voting at Eddyville, at the county court-house of Caldwell, subject to the same fines, forfeitures and re-

place of holding elections

gulations in all cases, as if this act had not passed, and as if such voters were voting, or attempting to vote in the said court-house of Caldwell county.

Court to ap-  
point judge,  
clerk, &c.

SEC. 7. *Be it further enacted*, That the county court of Caldwell, shall appoint, as the law directs, a clerk and judges to preside at the election in the said precinct, as also a deputy sheriff, who shall in all cases be qualified and governed, in conducting the election in the said precinct, as if it were conducted at the court-house of Caldwell county.

when and  
where polls to  
be compared

SEC. 8. *Be it further enacted*, That the sheriff who presides at the election of said precinct, shall meet the sheriff who presides at Caldwell court-house, at the said court-house on the fourth day after the commencement of the election, and compare the polls, and make return as the law directs.

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CHAP. CCIH.

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AN ACT

*Authorising certain Advertisements to be published in  
the AMERICAN REPUBLIC and LUMINARY.*

APPROVED, DECEMBER 19, 1810.

**B**E it enacted by the general assembly, That orders of courts; advertisements and notices, may be published in the newspaper entitled *The American Republic*; and in the newspaper entitled *The Luminary*: The former printed at Frankfort—the latter at Richmond, in the county of Madison: And that the editors of said papers, shall respectively receive the fees established by law, for such services as they may perform under this act: and that such publication shall be as valid between the parties, as if the same had been made in any other authorised paper of the commonwealth.

CHAPTER CCIV.

AN ACT

*To amend the act concerning the town of Glasgow, in  
Barren county.*

APPROVED, DEC. 19, 1810.

SEC. 1. **B**E it enacted by the general assembly, That the trustees of the town of Glasgow, and their successors in office, are hereby authorised and empowered to make titles to all such lots, within the limits of said town, where titles have not been heretofore made.

CHAP. CCV.

AN ACT

*Concerning Administrators, with the Will annexed.*

APPROVED, DECEMBER 22, 1810.

**B**E it enacted by the general assembly, That where-  
ver administration has been heretofore, or shall hereafter, be granted on the estate of a deceased person, with the last will and testament of the testator annexed, that the person or persons administering, shall possess and exercise all and every of the powers, interests, rights and authorities, that by the will belong to the executors therein named, or any of them.

Powers of administrators

Sec. 2. *And be it further enacted,* That any person or persons, who have administered, or may hereafter administer as aforesaid, shall execute bond with sufficient security, in the proper county court, conditioned faithfully to execute the will in the same manner, in which executors are now required to give

Administrators to give bond, and where

bond ; but with such variations as are adapted to the difference of cases ; and the same may be proceeded on in like manner, as the bond of an executor, and shall be subject to the same rules and regulations.

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CHAP. CCVI.

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AN ACT

*Authorising the publication of orders of court, advertisements and other notices, in 'The IMPARTIAL OBSERVER,' published in Danville.*

APPROVED, January 1st, 1811.

**B**E it enacted by the general assembly of the commonwealth of Kentucky, That it shall and may be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in the Impartial Observer, published in Danville, Kentucky ; and the editor or editors of said paper, shall be entitled to the same fees, and be governed by the like regulations, as other printers in this commonwealth : *Provided*, that nothing herein contained, shall be so construed, as to authorise the insertion of such advertisements, as are particularly required by law, to be published in the paper of the Public Printer.

CHAP. CCVII.

AN ACT

*For the relief of the clerk of Green circuit court, and  
the surveyor of Scott county.*

APPROVED, JANUARY 1, 1811.

**W**HEREAS, it is represented to the present general assembly, that James Allen, clerk of Green circuit court has, from accident, failed or omitted to execute bond, agreeably to the provisions of an act, approved January the 23d, 1810, concerning the bonds of certain officers, guardians, administrators and executors, and is now unable to execute the said bond during the year 1810, whereby he will become liable to removal from said office : For remedy whereof,

Recited

Sec. 1. *Be it enacted, by the general assembly of the commonwealth of Kentucky,* That the further time of two months, from and after the passage of this act, be allowed said clerk, to execute bond as prescribed by the above recited act ; which bond when so executed, shall be transmitted by the said clerk, to the clerk of the court of appeals, within thirty days thereafter:

clerk of  
Green

SEC. 2. *And be it further enacted,* That a compliance with the provisions of this act, shall exempt said clerk from all forfeitures, to which he may become liable by the provisions of the above recited act, on account of said omission : *Provided however,* that nothing in this act contained, shall be so construed, as to take from any person or persons their right of action against said clerk, for any neglect of duty, or malfeasance in office.

SEC. 3. *And be it further enacted,* That William Johnson, surveyor of the county of Scott, shall be allowed the further time of two months, from the passage of this act, to execute such bond as is required by the fourth section of the above recited

surveyor of  
Scott

act ; and such execution shall be as valid, to all intents and purposes, and shall have the same effect, as if the said surveyor had executed bond pursuant to the directions of the fourth section of the act aforesaid : and the said surveyor shall, in the event of the execution of such bond, be relieved and exempted from all and every of the penalties and punishments prescribed by the above recited act : *provided however*, that nothing in this act contained, shall be so construed, as to take from any person or persons their right of action against said surveyor, for any neglect of duty, or malfeasance in office,

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CHAP. CCVIII,

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AN ACT

*Erecting part of Knox County into an Election Precinct.*

APPROVED, JANUARY 1, 1811.

Boundary of  
the precinct

**B**E it enacted by the general assembly, That all that part of Knox county contained in the following boundary, to wit : Beginning on the Tennessee line, running north to the extreme height of the ridge between Poplar and Mud creeks ; thence with the said ridge, to where it divides Paterson and the Clear fork, and with the same to the Cumberland river above the house of Thomas Dickens ; thence with the ridge between Maple and Watts' creeks ; thence with a ridge which divides the waters of Watts' and Meadow creeks, including all the waters of Watts' creek in the precinct ; thence with the ridge that divides the waters of Lynn camp and Spruce creeks, and with the same to Laurel river ; thence due north to the reserved line, and with the said line to Big Rockcastle, and down the same to its mouth ; thence with the Knox county line to the state line, and with the state line to the beginning, shall be

deemed an election precinct for the county of Knox; and the elections therein, shall be held at the house of Samuel Cox: and the sheriff, clerk and judges, who shall be appointed to attend elections in said precinct, shall be under the same regulations, and receive the same compensation, as the law directs in similar cases: And all the voters in said precinct, shall vote therein, and not elsewhere.

place of holding elections therein

SEC. 2. *Be it further enacted*, That the sheriffs attending the elections at Knox court house and said precinct, shall meet at the said court house on the Friday next after each election, and there compare the polls of the several candidates, and give certificates conformably thereto.

when and where polls to be compared

:—:—:—:—:—:—:

## CHAP. CCIX.



### AN ACT

*For the relief of JOHN BRADSHAW.*

APPROVED, Jan. 4th, 1811.

**W**HEREAS it is represented to the general assembly, that in the year 1807, John Bradshaw had only two retail stores, one in the county of Shelby, and the other in the county of Henry, both of which he listed for taxation and paid tax for, in the county of Shelby; and that the commissioner for the county of Henry, took down and charged said Bradshaw with the Henry store, which he has paid for twice—For remedy whereof,

*BE it enacted by the General Assembly*, That the auditor be directed to issue his warrant on the treasurer in favor of said Bradshaw, for twenty dollars; which the treasurer shall pay out of any money in his hands unappropriated.

CHAP. CCX.

—:—:

AN ACT

*Authorising the release, confirmation and sale of part of the public square in the town of Versailles, to Joseph and John Kincaid.*

APPROVED, JAN. 4, 1811.

Recital

**W**HEREAS, Joseph and John Kincaid have, in the town of Versailles, in the county of Woodford, a lot of ground which interferes by some mistake, with the public square, and the said Joseph and John have petitioned to the general assembly, setting forth the mistake, and that they have built upon a part of what is now claimed as the public square, and that they are willing to pay a fair price for the ground formerly supposed to be included in their lot, and up to the former reputed boundaries of the said public square; and a majority of the justices of the county court, at the foot of said petition, have certified their consent, that the said petitioners should be permitted to have the said part of the public square, upon paying a fair price therefor; and moreover, that a sufficiency of ground for public purposes, will remain, after the said part, so claimed and petitioned for, is set off: Therefore,

Justices or  
trustees au-  
thorised to  
sell

quantity

SEC. 1. *Be it enacted by the general assembly,* That the said county court, and the trustees of the town, or either, as the case may require, may, and they are hereby authorised to release, confirm, bargain and sell unto the said Joseph and John Kincaid, and their heirs forever, any part of the said public square, not exceeding thirty six feet front, on main street, and running back as far as they shall agree for and think proper, part of said lot as aforesaid, claimed and built on by said petitioners, and including their said improvements, upon payment made

or secured by the said petitioners, of the value of the ground, so to be released, confirmed and sold.

SEC. 2. *Be it further enacted*, That Marquis Calmes, William Vawter and Moses Payne shall be, and they are hereby appointed commissioners, to value the said ground at a fair price, independent of said improvements; who shall, under the direction of the county court, or of any number of the justices appointed by the court in that behalf, and upon notice also given to said petitioners, attend upon the said ground, lay off the part intended to be released, and value the same.

Commissioners

their duty

SEC. 3. *And be it further enacted*, That the money arising from the sale and confirmation aforesaid, shall be applied to public purposes by the said county court, a majority of all the justices being present.

how proceeds appropriated.

## CHAP. CCXI.

### AN ACT

*For keeping open the navigation of Little river, in Christian county.*

APPROVED, JAN. 4, 1811.

**WHEREAS**, it is represented to the present general assembly, that great public advantage would result to the inhabitants of Christian county, by prohibiting all obstructions in the navigation of Little river—Therefore,

*BE it enacted by the general assembly*, That from and after the passage of this act, Little river shall, as a navigable stream, remain open and unobstructed, for the purpose of navigation, from its mouth up to the mouth of sinking fork of said river: and any person erecting, or causing to be erected, any fish dams, bridges or other obstructions, to the passage of boats up or down said stream, shall for every such

Penalty on placing obstructions therein

offence, forfeit and pay the sum of three dollars to the person aggrieved, to be recovered before a justice of the peace, for every twenty four hours such obatruction or obstructions shall remain therein.

## CHAP. CCXII.

### AN ACT

*To repeal in part the act "altering the mode of taking in lists of Taxable Property, and to prevent impositions on this commonwealth.*

APPROVED, January 4th, 1811.

Preamble

**W**HEREAS there is reason to apprehend, that the clerks of the county courts, or some of them, for making out the books of persons and property subject to taxation, may draw monies from the treasury improperly, and there is reason to believe that some certificates have been granted by the county courts, contrary to the plain rate of estimating the services of the clerk, prescribed by the act of the last session, altering the mode of taking indists of taxable property, and that some monies have already been drawn from the treasury, by means of such improper certificates : Therefore,

Section of former act repealed

*BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the said recited act as authorises the auditor of public accounts, to issue warrants on the treasury for the compensation of clerks for the duties aforesaid, upon the certificate of the amount thereof by the county court, either for services already rendered, or hereafter to be rendered, shall be, and it is hereby repealed : And the auditor shall examine the books certified by the said county courts, as made out by the clerks respectively, and shall calculate the amount due the said clerks respectively, for making such books according to the mode and rate of services established by that act, and issue a warrant on the treasury accordingly.

Auditor to examine commissioners books : and ascertain the compensation to clerks

Sec. 2. *Be it further enacted*, That in future years, the county courts shall not certify the amount due the clerk ; but shall certify according to the other duties in said act, required of them.

Sec. 3. *Be it further enacted*, That where any clerk by means of warrants or warrant, issued or to issue, upon the certificate of a county court, hath received, or shall hereafter receive, more money than his services will amount to, according to the rate established by said act, such clerk shall be liable to refund the excess so received, with interest, costs and expense of giving notice, to be recovered on motion of the auditor of public accounts in the general court, on ten days previous notice being given, as in cases of delinquent sheriffs and collectors: *Provided however*, that on the trial of such motion, if the defendant shall require it, a jury shall be impanelled and summoned, as in other civil cases ; and on such judgments, execution shall issue, on which the clerk shall endorse— That “ No security of any kind shall be taken.”

Clerks to refund excess drawn for their services

How recovered

Provided

## CHAP. CCXIII.

### AN ACT

*To amend the act for improving the navigation of Green river.*

APPROVED, January 10, 1811.

**B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county courts of the several counties through, or by which, so much of Green river as is by this act declared navigable, may run, forthwith to lay off said river into precincts or divisions ; which precincts or divisions so laid off, shall be considered as permanent until altered or changed by any of said courts, in their respective counties ; and it shall also be the duty

River to be laid off into precincts

Overseers to be appointed and hands allotted

What courts shall have jurisdiction over certain parts of the stream

Clerks to make out copies of the orders of appointment

Duty of sheriffs

Duty of overseers

of the said courts respectively, at the time they shall lay off said river, into precincts or divisions, to appoint a surveyor or overseer, to each precinct or division, and allot to each a sufficient number of hands, of the male tithables of said county, to remove all obstructions in said river, and to keep the same open for navigation.

SEC. 2. *And be it further enacted*, That where the said river shall be the dividing line between two counties, it shall be the duty of the court of that county which is oldest, or shall have been first established, to lay off so much of said river as shall bind thereon, into precincts or divisions, and to appoint a surveyor or overseer to each; and in such case, all the male tithables of each of the adjoining counties, who shall reside within three miles of said river, shall be, and the same are hereby allotted to the said surveyors or overseers so appointed, to enable him to clear out and keep in repair said river.

SEC. 3. *And be it further enacted*, That it shall be the duty of the clerks of the respective courts, within twenty five days after the appointment of surveyors or overseers, as by this act directed, to make out and deliver to their respective sheriffs, copies of the several orders appointing surveyors or overseers, specifying therein, the bounds of the precinct or division to which each one is appointed, and the hands to each precinct or division allotted: and it shall be the duty of the respective sheriffs, within twenty days after the receipt of said copies, to notify each person so appointed, as surveyor or overseer, of his said appointment, either by delivering to him a copy of said order, or by leaving the same with some person, at his usual place of residence: and the several persons so appointed as surveyors or overseers, when they shall be notified thereof, shall call on the hands to each of them allotted, and with said hands shall, at least twice in every year, and as often thereafter as shall be found necessary, proceed to clear out said river, as is directed by the second section of an act approved the 16th of February, 1808, for improving the navigation of Green river.

SEC. 4. *And be it further enacted*, That the several

county courts aforesaid, shall have power, at any time when to them it shall seem expedient, to alter or change the bounds of the several precincts or divisions, in their respective counties, and to re-allot the hands thereto ; and when any surveyor or overseer, appointed in pursuance of this act, shall remove out of the bounds of his precinct, or shall resign said appointment, (which they shall not be permitted to do without the leave of the court making such appointment, until the expiration of one year after receiving the same,) in either case, the respective courts shall forthwith, appoint some other fit person to fill said vacancy, who shall be notified thereof as is above directed.

Courts may alter the districts

and re-allot the hands

Courts to fill vacancies

SEC. 5. *And be it further enacted,* That the said river shall be considered, and is hereby declared navigable, from the mouth of Knob-lick creek in Casey county, to its junction with the Ohio ; and any person or persons, who shall build any dam or dams, erect any fish pot or trap, or shall fall or place any tree or trees in, or across said river, within the bounds by this act declared navigable, unless authorised so to do by special act of assembly, shall for every such offence, forfeit and pay the sum of fifteen dollars, to be recovered before any justice of the peace, in the county where such offence shall have been committed, or in either of the adjoining counties, where the offence shall have been committed in that part of said river which shall be the dividing line between two counties, one half thereof shall go to the use of the informer, and the other half shall be paid to the surveyor or overseer, of that part of the river where said offence shall have been committed, to be by him applied to the farther improvement of the navigation of said river ; and such dam or dams, fish pot or trap, or other obstruction, shall be abated or removed by the surveyor or overseer.

part of the river to be kept open

penalty on obstructing the navigation ..

applied *quod tam*

SEC. 6. *And be it further enacted,* That the fifth section of an act for improving the navigation of Green river, and every other part or parts of said act, which comes within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause

## CHAP. CCXIV.

## AN ACT

*Authorising a Lottery for the improvement of the navigation of the Kentucky River.*

APPROVED, JAN. 10, 1811.

Recital

WHEREAS, the navigation of the Kentucky river is of great importance to the citizens of this commonwealth ; but owing to the obstructions therein, whereby many losses are incurred, many are deprived of its advantages—For the purpose of removing said obstructions,

managers of  
the Lottery

Sec. 1. *Be it enacted by the general assembly,* That it shall and may be lawful for Green Clay, Thomas C. Howard, John W. Hunt, Lewis Sanders, William N. Lane, Beverly Braudus, Jephthah Dudley, Charles Buck, John Rochester, Beriah Megoffin and John Hann, or a majority of them, to raise by lottery, in one or more classes, as to them may appear necessary, any sum not exceeding ten thousand dollars, to be applied to the purposes hereafter mentioned ; and the said Green Clay, Thomas C. Howard, John W. Hunt, Lewis Sanders, William N. Lane, Beverly Braudus, Jephthah Dudley, Charles Buck, John Rochester, Beriah Megoffin and John Hann, are hereby bound to pay to the fortunate persons, the amount that each person shall be justly entitled to, by the event of the said lottery : and in case of failure, shall be liable to the action of the party aggrieved, or so many of them as were concerned in carrying the said lottery into effect. The drawing of the said lottery shall be done in the county of Fayette, and town of Lexington, and shall not commence, unless two of the justices of the peace in said county are present, whose duty it shall be, to see that the same is fairly and properly conducted ; and each of the drawers, examiners and clerks, and all others concerned in drawing said

sum to be  
raised

where lottery  
to be drawn

lottery shall, before the same commences, take an oath to act fairly and impartially, in the discharge of their several offices, which any justice of the peace in said county may administer. If the said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same.

Conductors of the Lottery to be sworn

Time in which the lottery shall be drawn

Sec. 2. *Be it further enacted*, That upon the receipt of the monies produced by the said lottery, the said commissioners, or a majority of them, shall by public advertisement or otherwise, proceed to let out to the lowest bidder, the removal of all obstructions in the Kentucky river, from Garrard's lick to its mouth, to any individual or individuals, by precincts or otherwise, that will undertake the same; who shall, before they proceed to work thereon, give bond and security to the managers aforesaid, for the faithful execution of their duties as herein described, according to the undertaking they shall make; which may, upon breach thereof, be put in suit by said managers, and a recovery had according to their failure.

Appropriation of the fund thereby raised

undertaker to execute bond

Sec. 3. The said undertakers shall clear the said river as aforesaid, clear of all logs, brush, trees, rocks, fish-traps, shrub all points of islands, and remove other impediments therein: And the time for its performance, shall be limited at the discretion of said managers.

Obstructions to be removed and abated

## CHAP. CCXV.

### AN ACT

*For the benefit of* JOHN GATEWOOD.

APPROVED, January 10, 1816.

**W**HEREAS it is represented to the present general assembly, that John Gatewood, purchased a tract of land lying on Big Barren river, in the county of Barren, formerly the property of E.

phraim Drake ; the said Gatewood having removed to the said tract of land, finds that the houses and a part of the plantation, are situated on vacant lands, which is ascertained to contain fifty-two acres, or thereabouts, and bounded as follows, to wit : Beginning at the corner which said Drake began at, when his said survey of two hundred acres was made, at a large beech tree on Barren river ; thence with his line S. 54 E. 219 poles to his corner, a stake : thence S. 46, W. 70 poles to a stake : thence N. 40. W. 220 poles to a stake on the river ; thence N. 46, E. 10 poles to the beginning :—Wherefore,

Sec. 1. *BE it enacted by the general assembly*, That the said Gatewood may, and he is hereby authorised, to cause the said survey of fifty-two acres to be examined and recorded in the office of the surveyor for said county, and thence be returned to the register of the land office ; who is hereby authorised and required, to register the same : and upon the said Gatewood paying into the public treasury, at the rate of twenty dollars per hundred acres, the register shall issue a patent for the same : *Provided however*, that no person or persons, who may have a right either in law or equity to said land, shall be affected by this act ; but such person or persons' right shall remain unimpaired, any thing in this act notwithstanding. *Provided also*, that the said Gatewood, or his heirs or assigns, pay into the public treasury, at the rate of twenty dollars per hundred acres therefor, within twelve months after the passage of this act.

## CHAP. CCXVI.

### AN ACT

#### *Concerning Officers' Bonds.*

APPROVED, Jan. 15, 1811.

SEC. 1. *BE it enacted by the General Assembly*, That in every case where bond shall hereafter be executed by any public officer, in that ca-

pecity, payable to the commonwealth of Kentucky, or in any other manner now binding in law, the penalty of such bond, shall not limit the recovery thereon against the principal and security, or securities; but they, and each of them, shall be liable according to law, to the full extent of the official obligations of such officer, as the same are enumerated in the condition of such bond.

—:••••:—  
CHAP. CCXVII.

—  
AN ACT

*For the relief of* EDMUND TALBOT.

APPROVED, Jan. 15, 1811.

**W**HEREAS it has been represented to the general assembly of this commonwealth, that a patent has issued to Edmund Talbot of Henderson county, for two hundred acres of land, dated the tenth of December, one thousand eight hundred and eight, in which the words "*poles* and *line*," are necessary; which words are also omitted in the platt upon which the patent aforesaid issued:

Sec. 1. *Be it therefore enacted*, That the register of the land office, be empowered and required, to add the word *poles* after the word 'forty' in the beginning of the thirteenth line; and *line* after the word 'military,' at the end of the thirteenth line of the patent aforesaid; and mend the platt aforesaid, by inserting therein the said word, so as the platt and patent aforesaid, may correspond: *Provided*, that nothing herein contained shall, in any manner, prejudice the right of any other person.

F

CHAP. CCXVIII.

AN ACT

*For the relief of RICHARD EVANS, former Sheriff  
of Floyd county.*

Approved, January 15, 1811.

**W**HEREAS it is represented to the present general assembly, that by an act passed on the 27th day of December, 1806, Richard Evans, late sheriff of Floyd county, was exempted from the payment into the treasury, of one hundred and eighty-three dollars, sixty-three cents, seven mills, being the amount of his delinquent list ; and whereas it is also represented, that the present sheriff of said county, is demanding from the securities of said Richard Evans, eighteen per centum per annum, on the said \$ 183 63 7, from the time the tax was due until the passage of the said recited act, amounting to \$ 44 28 7 mills :

*BE it enacted by the General Assembly, That the present sheriff of Floyd county be, and he is hereby directed, to credit the execution now in his hands against the said Evans and his securities, for the said sum of \$ 44 28 7, any law to the contrary notwithstanding.*

CHAP. CCXIX.

AN ACT

*To amend the act entitled an act to amend an act establishing the town of Shepherdsville, and for other purposes.*

APPROVED, Jan. 15th, 1811.

**Sec. 1.** *BE it enacted by the general assembly, That a survey of Shepherdsville, made by James*

Shanks, surveyor of Bullitt, and the plan or platt thereof, made out by him, and dated the eighteenth day of July, in the year one thousand eight hundred and nine, be established as the true plan of said town, and of the situation and boundaries of lots, streets and alleys therein ; and that all disputes or controversies that may arise, relative to their situation or extent, shall be determined by the afore said plan or platt.

CHAP. CCXX.

AN ACT

*For the division of Henderson county.*

APPROVED, JAN. 15, 1811.

SECT. 1. **B**E it enacted by the General Assembly, That from and after the first day of May next, all that part of the county of Henderson, included in the following bounds, to wit :—Beginning at the upper point of the eighteen mile Island, formerly called Elk island, on the Ohio river ; thence a straight line, to Highland creek, one mile above Higgins' mill, measured along the meanders of the creek ; thence up the said creek, to the White-lick fork thereof ; thence a direct and straight line, by "Harper's Head," to the line of Hopkins county ; thence with that line, to Trade water river ; thence down the same, to the Ohio river ; and up the Ohio, to the beginning, shall be one distinct county, and called and known by the name of **UNION**. A court for the said county, shall be held by the justices thereof, on the second Monday in every month, in which the circuit courts are not hereafter directed to be held.

Boundary

Union

Sec. 2. The justices to be named in the commission of the peace, for the said county of Union, shall meet at the house of Jeremiah Riddle, in the said county of Union, on the first court day after the said division shall take place ; and having taken the

when justices  
to meet and  
appoint Clerk

paths prescribed by law, and a sheriff being legally qualified to act, the justices of the county court, shall proceed to appoint and qualify a clerk; and that Jonathan Ramsey, William Bradford, James Johnston (of Livingston,) William R. M'Gary and Charles Davis, shall be, and they are hereby appointed commissioners, to fix on the place for the permanent seat of justice, in the said county of Union, who shall meet at the place and time appointed for the first meeting of said justices, or as soon thereafter as the said commissioners can; and each having taken an oath, before some justice of the peace, to discharge the duty of a commissioner, in fixing on the seat of justice for the county of Union, without favor, affection, partiality or prejudice, according to the best of his skill and ability, they or a majority thereof, shall proceed to fix on a place for the permanent seat of justice of said county, having due regard to public convenience of water, and of situation, as it respects the capacity of the lands in said county, for sustaining present and future population; and having ascertained the place aforesaid, they shall, under their hands, certify the same to the county court. The said commissioners, for their services, shall be allowed each three dollars, for every day they shall be necessarily engaged in performing their said duties, to be levied and paid out of the first county levy; and thenceforth, the said court shall cause to be erected, at such place, the necessary public buildings; and until such buildings are erected, shall hold their several courts, in the most convenient house at the said place. Each court shall appoint its own clerk, a majority concurring therein; but a majority of those present on any court day, may appoint a clerk *pro tempore*.

**Commissioners appointed** to fix seat of justice. Time of meeting, and their duty

**Commissioners allowance, and how paid**

**Public buildings**

**each court to appoint its own clerk**

**Circuit court when held**

**Sheriff of Henderson, his duty**

**Sec. 3.** *Be it further enacted,* That the circuit court for the said county of Union, shall be held annually, on the first Monday in the months of March, June and September.

**Sec. 4.** It shall be lawful for the sheriff of Henderson, to collect and make distress for any public dues and officers fees, which shall remain unpaid by the inhabitants of the said county of Union, at the

time such division shall take place, and shall be accountable for the same, in like manner as if this act had not been made; and the courts of the county of Henderson, shall have jurisdiction in all actions and suits, either in law or equity, which shall be depending before them, at the time of such division; and shall try and determine the same, issue process, and award execution therein.

jurisdiction  
of Henderson  
Courts

SEC. 5. *And be it further enacted*, That the citizens of the said county of Union, shall vote for members to serve in the general assembly, as joined with, and making a part of the county of Henderson, in the same manner as heretofore, until the next apportionment of the ratio of representation, by the legislature of this commonwealth, except that the sheriff and justices of the said county of Union, shall take the polls, and conduct such election—the sheriff whereof, shall meet the sheriff of Henderson, on the Friday after the election shall have closed, at the court-house of Henderson county; shall compare the polls, and declare the election accordingly.—The said county of Union, shall remain and be a part of, and belonging to the sixth judicial district; and the circuit judge of said district, shall attend and preside in the circuit courts in the said county.

where and  
how Union  
shall vote

by whom elec-  
tion conduct-  
ed

When and  
where sheriffs  
to meet

## CHAP. CCXXI.

### AN ACT

*For the division of Montgomery County.*

APPROVED, JAN. 15, 1811.

SEC. 1. *BE it enacted by the general assembly*, That from and after the first Monday of February next, all that part of Montgomery county included in the following bounds, to wit :—Beginning where the division line between Bourbon and Montgomery, crosses Hinkston; thence up Hinkston, to the mouth of Lane's branch; thence to Flat creek,

Boundary

at the upper end of Alexander M'Intire's farm; on which Original Young now lives, leaving James H. Lane's house in the old county; thence to Stepstone creek, one and a half miles above the mouth, including Books' farm; thence a straight line, to the waters of Little Slate creek, so as to include Jouitt's farm in the new county; thence a direct line, to where the Slate road crosses Black water creek; thence down Black water, to the mouth; thence down Licking, to the Nicholas county line; thence along the Nicholas line, to the Bourbon county line; thence along said line, to the beginning, shall be one distinct county, and called and known by the name of BATH.

Bath

When courts  
to be held

SEC. 2. The courts of the said county of Bath, shall be held on the first Monday in every month, except the months in which circuit courts are held; and the circuit courts shall be held annually, in the months of May, August and November, in such manner as is provided by law, in respect to other counties in this commonwealth.

where and  
when justices  
to meet

and appoint  
Clerk

Commission  
ers to fix seat  
of justice

Public build-  
ings.

SEC. 3. The justices named in the commission of the peace, for the said county of Bath, shall attend at the house of James Young, on Flat creek, on the first court day after said division shall take place; and having taken the oaths prescribed by law, and the sheriff being duly qualified, the court shall proceed to appoint and qualify their clerk; and that William M'Millan, Duval Payne, James Ray, Thomas Dougherty and David Todd, esqrs. a majority of whom may act, be, and they are hereby appointed commissioners, to fix upon a place for the permanent seat of justice for said county; who shall, in fixing the same, be regulated by a due regard to the centre of population and tillable land: *Provided* however, a majority of all the justices, shall concur in the appointment of said clerk; and the said commissioners having fixed upon such place, the seat of justice shall there be established: and the court shall cause public buildings to be erected thereon; and until such buildings are erected, the said court shall fix upon such place, for holding courts in said county, as they shall think proper.

SEC. 4. It shall be lawful for the sheriff of Montgomery county, to collect and make distress for any public dues and officers fees, which shall remain unpaid by the inhabitants thereof, at the time such division shall take place. and shall be accountable for the same, in like manner as if this act had not been made ; and the courts of the county of Montgomery, shall have jurisdiction in all actions and suits, either in law or equity, which shall be depending before them, at the time of such division, and shall try and determine the same, issue process, and award execution therein.

Sheriff of Montgomery to collect

respecting jurisdiction of Montgomery Courts

SEC. 5. *Be it further enacted*, That the citizens of the said county of Bath, shall vote for members to serve in the general assembly, as joined with, and making a part of the county of Montgomery, in the same manner as heretofore, until the next arrangement of representation by the legislature of this commonwealth, except that the sheriff of the said county of Bath, shall take the polls and conduct such election.

regulation respecting elections

SEC. 6. *Be it further enacted*, That the commissioners appointed to fix the seat of justice for the said county of Bath, shall meet at the time and place appointed for holding the first circuit term in said county, or as soon thereafter as they can with convenience—and having severally taken an oath to act impartially therein, shall proceed to the discharge of the duty hereby delegated ; and continue in the exercise thereof, from time to time, until they shall have completed it : And the said commissioners shall severally receive for their services, the sum of three dollars for each day they may necessarily be employed under this act, to be levied and paid by the said county of Bath.

where and when commissioners to meet, and their duty

Commissioners pay

SEC. 7. *And be it further enacted*, That the said county of Bath, shall constitute a part of the second judicial district, the circuit judge of which, shall attend and preside therein, as in the other circuit courts in said district.

To what judicial district annexed

## CHAP. CCXXII.

## AN ACT

*For the benefit of the Witnesses on the trial of  
Jesse Head and George Edlin, deceased.*

APPROVED, JAN. 15, 1811.

**W**HEREAS the last general assembly, failed to make allowances to the several witnesses who attended on the trial of the charges exhibited against Jesse Head, a justice of the peace for the county of Washington: For remedy whereof,

**Sec. 1.** *Be it enacted by the General Assembly,*  
That the auditor of public accounts be, and he is hereby directed, to issue his warrant on the treasurer, who is hereby directed to pay the same in favor of the following persons, who attended as witnesses on the said trial, for the following sums, viz.

Witnesses on  
Head's case

|                    |         |
|--------------------|---------|
| To John S. Ray,    | \$ 6 78 |
| Andrew Cunningham  | 5 58    |
| Arthur Gibbins     | 5 53    |
| Matthew Waiten     | 5 53    |
| John Calhoon       | 5 53    |
| Elias Davidson     | 5 53    |
| John Reed          | 5 53    |
| Samuel Overton     | 5 53    |
| Daniel Mock        | 5 53    |
| William Hays       | 5 53    |
| Barnabas M. Henry  | 5 53    |
| Jacob Seay         | 5 53    |
| James Hughes       | 5 53    |
| Robert Crouch      | 5 53    |
| Fleming Robinson   | 5 53    |
| Martin Hardin      | 5 70    |
| Stephen Ray        | 5 00    |
| Benedict Spaulding | 6 33    |
| Daniel Jennings    | 4 47    |

105 75

Sec. 2. And whereas the last general assembly, Witnesses on  
Edlin's case  
failed to make allowances to the several witnesses  
who attended on the trial of the charges exhibited  
against George Edling, a justice of the peace for  
Washington county: For remedy whereof,

*Be it further enacted*, That the auditor of public  
accounts be, and he is hereby directed, to issue his  
warrant on the treasurer, who is hereby directed to  
pay the same in favor of the following persons, who  
attended as witnesses on said trial, the following  
sums, to wit:

|                     |         |
|---------------------|---------|
| To Matthew Walton   | \$ 0 83 |
| John Lancaster      | 0 83    |
| John Reed           | 0 83    |
| Philemon Waters     | 7 42    |
| Thomas G. Harrison, | 7 62    |

\$ 17 53

CHAP. CCXXIII

AN ACT

*to amend the several acts authorizing County Courts  
to lay their fees and make appropriations.*

APPROVED, January 15, 1811.

**WHEREAS**, the county courts of this common-  
wealth, frequently fail, from accident or neglect  
of duty, to lay their county levy at the times now  
prescribed; thereby causing frequent applications to  
the legislature in that behalf: For remedy whereof:

Sec. 1. *BE it enacted by the general assembly*, That  
it shall be the indispensable duty, of all and every  
of the justices of the peace in this commonwealth,  
to attend punctually their respective county courts,  
in the month of October in every year, to hear, ex-  
amine and liquidate the claims charged by law, upon  
their respective counties, and to lay the levy there-  
Preamble  
All the justi-  
ces to attend  
court of clai-  
ms  
when

Certain lands  
to be entered  
or forfeited

Lands may  
be sold for  
the taxes

claiming titles to lands, by patent, deed, entry, survey, or otherwise, lying within the bounds acquired to this state by the treaties of Tellico and High-Wassee, shall enter the same for taxes as other lands are required by law to be entered for taxation, within two years from the passage of this act, or the same shall be forfeited to the commonwealth. And that said land, when so entered, shall be subject to sale for the non-payment of taxes as other lands.

## CHAP. CCXXVI.

### AN ACT

*For adding part of Jefferson to Bullitt County.*

APPROVED, JAN. 18, 1811.

Sec. 1. **B**E it enacted by the general assembly, That from and after the first day of March next, so much of the county of Jefferson, as lies within the following bounds, to wit: Beginning at the Elk lick; thence with the line between the counties of Jefferson and Bullitt, to Salt river; thence down Salt river to the mouth of Pond creek; thence up Pond creek, to the mouth of Brier creek; thence a direct line to the beginning, shall be added to, and to all intents and purposes, be considered as belonging to the county of Bullitt.

Sec. 2. *Be it further enacted,* That the sheriff of Jefferson county, and the constables thereof, shall have full power to execute all process that may be put into their hands against any person, or the estate of any person, prior to the first day of March next; and to collect all officers' fees and public dues, that may be in their hands and unpaid, on the said first day of March; and to account for the same, and in the same manner, as if this act had not passed.

CHAP. CCXXVII.

AN ACT.

*Supplementary to an act establishing an Academy in the county of Barren.*

APPROVED, January 18, 1811.

**B**E it enacted by the general assembly of the Commonwealth of Kentucky, That the trustees of said academy, are hereby authorised and empowered, to dispose of the whole of the state donation lands, granted to said academy, by general warranty, and apply the proceeds thereof, as directed by the before-recited act.

CHAP. CCXXVIII.

AN ACT

*To legalize the proceedings of the Green County Court in December, 1810.*

APPROVED, JANUARY 18, 1811.

**W**HEREAS, it is represented to the present General Assembly, that the county court for Green county, having been prevented by unavoidable accident, from receiving their county claims and laying their county levy, in the months of October and November, 1810, did, at their succeeding December term, proceed to receive and allow the claims against said county, and to lay their county levy; and it appearing that said proceedings were not strictly authorised by the existing laws of the commonwealth; For remedy whereof,

Recital

Regulations  
respecting the  
levy

BE it enacted by the general assembly of the commonwealth of Kentucky, That the proceedings of the said court, at their December term last, so far as relates to the reception of claims against said county, and laying their levy, shall be, and the same is hereby declared legal and valid, after the passage of this act; and it shall be the duty of the sheriff of said county, to proceed to collect the levy laid, and to pay the claims so allowed, at the time and in the manner, that he would have been bound to collect and pay the same, had said claims been allowed, and said levy laid by said court, at the time prescribed by the existing laws.

CHAP. CCXXIX.

AN ACT

For the relief of DOLLY GEORGE.

APPROVED, January 18, 1811.

Recital

WHEREAS, it is represented to the present General Assembly, by the petition of Dolly George, widow and relict of William George, deceased, that she was left in a state of widowhood and great poverty, some years since, that she has also been nearly deprived of her eyesight, and otherwise much afflicted; but notwithstanding, by her industry and frugality, has been enabled to purchase a small tract of land, in Wayne county, the state price of which, she is unable to pay: Therefore,

State price  
on certain la  
nd remitted

SEC. 1. BE it enacted by the general assembly of the commonwealth of Kentucky, That the state price of the said tract of land, to wit:—Wayne county court certificate, No. 479, granted to Margaret Smith, for three hundred acres, and by her assigned to the said Dolly George, be, and the same is hereby remitted to the said Dolly George.

Register may  
issue grant

SEC. 2. Be it further enacted, That the register of the land office, issue a grant to the said Dolly George, for said tract of land, so soon as the said Dolly

shall have returned to his office, a survey thereof, any law requiring the state price therefor to be first paid, to the contrary notwithstanding.

CHAP. CCXXX.

AN ACT

*To legalize certain proceedings of the county court of Rockcastle.*

APPROVED, January 18, 1811.

**W**HEREAS, it is represented to the present general assembly, that the county court of Rockcastle, at their April term last past, failed to appoint persons to take in lists of the taxable property in said county : and whereas, the said court did, at their June term following, appoint proper persons as commissioners, to take in lists of the taxable property in said county, although the time given by law had expired : For remedy whereof,

*Be it enacted by the general assembly, That the proceedings of the county court of Rockcastle, at their June term last past, in appointing commissioners to take in lists of the taxable property in the said county, are hereby declared to be valid and binding, to all intents and purposes, as though the same had been done at the April term of said court, any law to the contrary notwithstanding.*

CHAP. CCXXXI.

AN ACT

*For the benefit of* RICHARDSON HERNDON.

APPROVED, JAN. 18, 1811.

**W**HEREAS, it is represented, that Richardson Herndon has discovered salt water on his Recital

improvement, about three miles below the mouth of Laurel, on the south side of Cumberland river : and that the said Herndon wishes to make an experiment, in blowing and boring for salt water : Therefore.

May appro- *BE it enacted by the general assembly of the com-*  
 priate lands *monwealth of Kentucky,* That the said Richardson  
 quantity *Herndon may, for the purpose aforesaid, locate and*  
 credit *survey any number of acres of waste and unappro-*  
 price *priated lands, not exceeding one thousand acres, to*  
*include said improvement ; for which the said Hern-*  
*don shall, within four years, pay into the public trea-*  
*sury, at the rate of twenty dollars per hundred a-*  
*crees ; and on his producing to the register, the au-*  
*ditor's quietus for the full amount of the money, for*  
 proviso *the land so located and surveyed, the register shall*  
*issue his grant to him; for the same : Provided how-*  
*ever, that should the said Herndon, fail to complete*  
*his works within five years from the passage of this*  
*act, so as to make a sufficient quantity of salt to in-*  
*duce him to carry on the business of salt-making,*  
 proviso *the land so located and surveyed, shall revert to the*  
*commonwealth : Provided also; that the said Rich-*  
*ardson Herndon, shall not include any actual settle-*  
*ment now made, although the same may not be le-*  
*gally appropriated, according to law ; nor shall the*  
*said Herndon, include any lead or silver mine with-*  
*in the survey alluded to.*

## CHAPTER CCXXXII.

### AN ACT

*Making provision for the payment of the Witnesses on  
 the trial of Jesse Gravens & John Anderson.*

APPROVED, January 18, 1811.

Gravens' case

SEC. 1. **B**E it enacted, by the general assembly,  
 That the following persons who attend-

ed as witnesses on the trial of Jesse Cravens, a member of the house of representatives from the county of Ohio, for their respective services, be allowed the following sums severally annexed to their names, to wit :

|                     |   |   |          |
|---------------------|---|---|----------|
| William L. Bernard, | - | - | \$ 10 67 |
| John Bennet, senr.  | - | - | 13 10    |
| John Bennet, junr.  | - | - | 13 10    |
| Charles Wallace     | - | - | 12 41    |
| William Taylor,     | - | - | 10 61 5  |
| Aaron Atherton,     | - | - | 10 83 5  |
| Nicholas Hocker     | - | - | 10 78 5  |
| James Baird, sen.   | - | - | 12 44    |
| Jeffries Bennet     | - | - | 12 49 5  |
| Henry Davidge       | - | - | 11 49 5  |
| Christopher Greenup | - | - | 1 66     |
| Joseph Ballinger    | - | - | 2 50     |

Which allowances shall be audited by the auditor, and paid out of the public treasury.

SEC. 2. *And be it further enacted,* That the following allowances be made to Edmund Hall, as a witness in behalf of the commonwealth against John Anderson, a justice of the peace, to wit :

Anderson's  
case

|                           |         |
|---------------------------|---------|
| For 260 miles travelling, | \$ 7 80 |
| 6 ferriages,              | 75      |
| 3 days attendance,        | 2 49    |

And the auditor is hereby required, to issue a warrant for the same, to be paid out of the public treasury.

## CHAP. CCXXXIII.

### AN ACT

*To improve the Navigation of Nolinn.*

APPROVED, January 18, 1811.

**W**HEREAS, it is represented to the present general assembly, That great advantage would accrue to the inhabitants of Hardin county,

Preamble

H

by the removal of the obstructions to the navigation of Nolinn, from Adam Coombes' mill to the mouth of the same.

Commission-  
ers

power and du-  
ty

SEC. 1. *Be it enacted by the General Assembly,* That Adam Coombes, Josiah Best, Aaron Hart, Jacob Vanmatree, Jacob Miller, and George Keller, be and they are hereby appointed commissioners, who, or a majority of whom, are hereby vested with power, to raise by subscription in money, property or labor, any sum not exceeding one thousand dollars; for the purpose of clearing and keeping in repair, the navigation of Nolinn, from Adam Coombes' mill to the junction of the same with Green river; remove all fish pots and dams, cut and clear away all timber projecting over said stream, shrub all points of islands, and remove such other obstructions in the channel, as may impede the navigation of said Nolinn river:

Commission-  
ers to employ  
hands

SEC. 2. *Be it further enacted,* That so soon as, in the opinion of said commissioners, or a majority of them, there is a sufficient sum or sums of money, property and labor, subscribed for clearing and keeping in repair the navigation of said stream, they shall employ a sufficient number of hands, for the removal of all fish-pots and dams of every description, remove all logs, cut and clear away all timber projecting over said stream, shrub all points of islands, and remove such other obstructions as may impede the navigation of said stream; which hands shall be under the direction of said commissioners, and shall be paid by them, out of the sum or sums of money or property, so subscribed and appropriated as aforesaid.

Commissioners  
or to execute  
bond

penalty

condition

SEC. 3. *Be it further enacted,* That so soon as the aforesaid commissioners, shall have procured subscriptions agreeable to this act, and entered into bond with good security, in the county court of Hardin, in the penalty of one thousand five hundred dollars, payable to the commonwealth of Kentucky; conditioned to appropriate the same to the removal of obstructions of said stream: and said commissioners immediately after entering into bond aforesaid, they or a majority of them, shall immediately proceed to

employ hands, and superintend the clearing out of said stream, in the manner herein directed.

Sec. 4. *Be it further enacted*, That any person who shall build any dam, or place any other obstruction in said stream, so as to impede the navigation, shall, on conviction before any justice of the peace, forfeit and pay the sum of five dollars, for every twenty-four hours, that the same have remained in said stream ; one half to the informer, and the other half to the improvement of the navigation of said stream.

Penalty on persons obstructing the navigation

Sec. 5. *Be it further enacted*, That the commissioners aforesaid, for their services under this act, shall severally receive the sum of one dollar per day, out of the subscriptions, for each day they may be actually engaged in employing hands, and superintending the clearing out and keeping in repair, the navigation of said Nolinn.

compensation of commissioners

Sec. 6. *Be it further enacted*, That the commissioners aforesaid, are hereby authorised and empowered, to recover the subscriptions before mentioned, by motion before a justice of the peace in the county in which such subscribers may reside, where the subscription may be within the jurisdiction of a justice ; and in all cases where the subscription may be for a larger sum, before the circuit court, on giving ten days previous notice of the time and place of such motion.

How and before whom subscriptions recovered

## CHAP. CCXXIV.

### AN ACT

*Concerning the Navigation of the South fork of Licking, from Eagler's mill to its junction with Main Licking.*

Approved, January 13, 1811.

**W**HEREAS it is represented to the present general assembly, that the navigation of the

south fork of Licking, from Eagler's mill to its junction with main Licking, would be of infinite advantage to the citizens of Harrison, Pendleton and part of other adjacent counties : Therefore,

SEC. 1. *BE it enacted by the General Assembly of the commonwealth of Kentucky,* That all that part of the south fork of Licking river, from Eagler's mill to its junction with main Licking, shall be, and the same is hereby considered a navigable stream, and that from and after the first day of November next, no fish dam, or other obstruction to the navigation of the said stream, shall be erected, made or built thereon, or across the same, under the penalty of five dollars, for every twenty-four hours the said fish dam, or other obstruction, shall be continued.

SEC. 2. *And be it further enacted,* That where any such fish dam, or other obstruction to the navigation of the said stream, shall have heretofore been erected, built or made across said stream, it shall be the duty of the person or persons who erected, built or made the said obstructions, to demolish and remove the same, on or before the first day of November next : and if any of the said fish dams, or other obstructions, as aforesaid, shall be continued, or suffered to remain after the said time, the person erecting, building, making or continuing the same, shall be subject to the penalty of two dollars, for every twenty-four hours during which the same shall be continued, or permitted to remain.

SEC. 3. *And be it further enacted,* That all fines and forfeitures, that shall arise under this act, shall be recoverable before any justice of the peace, or circuit court having cognizance of the same, and shall be applied towards improving the navigation of the same, under the direction of the county court, in which the fine may be recovered,

All acts or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

SEC. 4. *And be it further enacted,* That nothing herein contained, shall be construed to repeal or affect in any way, the existing laws concerning the navigation of said south, and Stoner's fork of Licking, above said Eagler's mill.

CHAP. CCXXXV.

AN ACT

*For the more effectual preventing of crimes, conspiracies and insurrections of slaves, free negroes and mulattoes, and for their better government.*

APPROVED, JAN. 25, 1811.

SECT. 1. **B**E it enacted by the General Assembly of the commonwealth of Kentucky, What deemed felony

That if any negroes or other slaves shall, at any time hereafter, conspire to rebel or make insurrection, every such conspiring shall be adjudged and deemed felony, and the slave or slaves duly convicted thereof, shall suffer death.

SEC. 2. *Be it further enacted,* That where any slave or slaves, shall hereafter be convicted of administering to any person or persons, any poison or medicine, with the evil intent that death may thereupon ensue, such slave or slaves shall suffer death. Death for poison

SEC. 3. *Be it further enacted,* That any slave or slaves, free negro or mulatto, hereafter duly convicted of voluntary manslaughter, shall suffer death. manslaughter

SEC. 4. *Be it further enacted,* That any slave or slaves, hereafter duly convicted of an attempt to commit a rape, on the body of any white woman, such slave or slaves, so convicted, shall suffer death. Rape

SEC. 5. *Be it further enacted,* That it shall be lawful for any trustee of a town, to issue his warrant, to cause any slave, free negro or mulatto, misbehaving within the limits of the town, to be apprehended and brought before him, or some other trustee of said town, who shall have power to punish such slave or slaves, free negro or mulatto, as is now vested by law in a justice of the peace. Trustees of towns issue warrant

SEC. 6. *Be it further enacted,* That if any negro, or other slaves shall, at any time hereafter, consult or advise the murder of any person or persons what- Punishment with stripes

over, every such consulting or advising, shall be punished by any number of stripes not exceeding one hundred, in the discretion of a jury, to be impanelled by order of any justice or justices of the peace, before whom such slave or slaves may be brought for trial.

Repealing  
clause

SEC. 7. All laws, sections and parts of laws, coming within the provisions or purview of this act, are hereby repealed: *Provided however*, that nothing in this section contained, shall be construed to prevent any justice of the peace from exercising the powers given to a trustee.

## CHAP. CCXXXVI.

### AN ACT

*For the relief of certain citizens of Bardstown.*

APPROVED, JAN. 25, 1811.

**W**HEREAS, it is represented to the present general assembly, that a few of the citizens of Bardstown, labor under great inconvenience, by being compelled to go a considerable distance from town to muster, and have petitioned for relief: and whereas a law passed last session, prohibiting alterations of lines of regiments under certain restrictions—

*Be it enacted by the General Assembly*, That the governor be, and he is hereby requested, as soon as may be, to alter the lines between the second and twenty-seventh regiments, so as to place them in the same situation they were, before the alteration made in 1809, any law to the contrary notwithstanding.

## CHAP. CCXXXVII.

## AN ACT

*To erect Election precincts in the counties of Christian, Hardin, Casey, Greenup and Lewis.*

APPROVED, Jan. 25th, 1811.

Sec. 1. **B**E it enacted by the General Assembly, That all that part of Christian county within the following bounds, to wit :—Beginning on the Tennessee state line, two miles west of colonel Henry Clarke ; thence a straight line to major John Roberts', leaving him out of said boundary ; thence a straight line to include John Gray's, on a fork of Little river ; thence a straight line to include Samuel Hodges, senr. thence a straight line to Isaac Stroud's, leaving him out of said bounds ; thence a straight line to the mouth of Buck creek ; thence down Pond river to the Muhlenburg line ; thence with said line to the Logan county line ; thence with said line to the Tennessee state line ; thence with the said line to the beginning, shall be an election precinct ; and the place of holding elections for the said precinct, shall be at the house of David Kishner.

Sec. 2. *Be it further enacted,* That all that part of the county of Christian, lying in the following bounds —Beginning on the Tennessee state line, at Samuel Kelkott's ; thence a straight line to Micajah Fort's ; thence to William Harges', jun. thence to John Adams' ; thence to Richard Brownfield's ; thence to Joseph Harbourg's, on the Livingston road to Centreville ; thence with said road, to the Caldwell county line ; thence with said line to the Tennessee state line ; thence with said line including the said Kelkotts, Harges, Adama, Brownfield and Harbourg, in the precinct, shall be an election precinct ; and the place of holding elections for said precinct, shall be at the house of Ferdinand Wardlington.

Lewis

boundary

Sec. 3. *Be it further enacted*, That all that part of Lewis county within the following bounds, to wit—Beginning at the north fork of Licking, on the Fleming line ; thence running with the highest ridge of the mountains dividing Cabin creek from the Salt-lick waters, to the Ohio river, and including that side of said county, on the Cabin creek side of the mountains, shall be an election precinct ; and the elections therein, shall be held at the house of Okey Hendrickson.

Hardin

boundary

Sec. 4. *Be it further enacted*, That all that part of Hardin county included in the following bounds, to wit—Beginning at the mouth of Mill-creek ; thence up the same, to the mouth of Gilmore's spring branch ; thence a straight line, to the mouth of the Brushey fork of Otter creek ; thence a straight line, to John M'Dowell's, leaving said M'Dowell in the precinct ; thence a straight line, to the county line between Hardin and Breckenridge counties, so as to include John and Benjamin Stith in said precinct ; thence with the said line, to the Ohio ; thence up the same, to the mouth of Salt river ; thence up Salt river to the beginning, shall be an election precinct, and known by the name of the West Precinct ; and the place of holding the election for said precinct, shall be at Benjamin Shacketts.

Casey

boundary

Sec. 5. *Be it further enacted*, That all that part of Casey county, included in the following bounds to wit : Beginning on the Casey and Washington line, where the same crosses the dividing ridge between the waters of the big South and North Rolling forks of Salt river ; thence running with the said dividing ridge between the said waters of the big and little South Rolling forks, to the dividing ridge between the waters of the Rolling and Hanging forks ; thence running due east to the line between Casey and Lincoln counties ; thence with the said line, to the line of Mercer county ; thence with the same to the line of Washington county ; thence with the same to the beginning, shall be an election precinct, to be known by the name of the Rolling-Fork precinct ; and the election therein shall be held at the house of Robert Denton, within the said precinct.

SEC. 6. *Be it further enacted*, That all that part of the county of Greenup, included in the following bounds, to wit: Beginning on the Fleming line which runs up the ridge between Tygert's creek and Killikanick, about fifteen miles from the Ohio; thence a direct line to the mouth of the Buffaloe fork of Tygert's creek; thence to the Black ripple on little Sandy, near captain James How's farm; thence with the dividing ridge between the waters of Cave creek and Wilson's creek, to the road leading to the mouth of Big Sandy; thence a direct line to the mouth of Shadrack's creek, on Big Sandy; thence up the same and with the county line to the beginning—shall be an election precinct: and the place of holding elections in said precinct, shall be at the house where Robert H. Grayson now lives.

Greenup.  
boundary

Sec. 7. *Be it further enacted*, That the principal, or sworn deputies of Christian, Hardin, Casey, Greenup, and Lewis counties, shall superintend the elections hereafter to be held in said precincts; and the county courts of said counties of Christian Hardin, Casey, Greenup and Lewis, shall appoint clerks and judges to attend elections in the said precincts, in like manner as the law directs in similar cases: and on failure of the courts aforesaid, to make such appointment, the sheriffs shall fill such vacancies. The said judges, clerks and sheriffs, shall be allowed the same allowance for their services, to be paid in like manner, as is directed by law in similar cases.

Duty of sheriffs, clerks and judges

Allowance to judges, sheriffs, &c.

Sec. 8. *Be it further enacted*, That the sheriffs attending elections at the court house and precincts aforesaid, shall meet at the court-house on the Friday after each election, and shall then and there compare the polls of the candidates, and give certificates as the law directs, to the persons elected.

when & where sheriffs to meet

## CHAP. CCXXXVIII.

## AN ACT

*For the relief of commonwealths attorneys in certain cases, and to legalize the proceedings of certain county courts.*

APPROVED, January 25, 1811.

Certain county courts to make appropriations

when

How collected and accounted for

Certain circuit courts to certify the claims of their attorney

Cases in which the claim shall be paid out of the depositum

Sec. 1. **BE** it enacted by the general assembly of the commonwealth of Kentucky, That each and every one of the county courts in this commonwealth, wherein the said court have made no appropriation for the payment of the attorneys for the circuit court of their respective counties, since the year 1808, or any part of said time, shall at their January or February county courts, after the passage of this act, receive as a claim against the county, the amount of whatever sum may have been certified by the circuit court of said county, to be due to the attorney of said circuit, for his services for the two preceding years, or any part of the aforesaid time; which sum, so certified, shall, by the said county courts respectively, be received as a claim against their counties respectively, and shall at their aforesaid January or February courts, levy on the tithables of their county, in favor of such attorneys, a sum sufficient to pay off such claim or claims; which sum so levied, the sheriff shall collect and account for, as if the same had have been levied at the preceding court of claims.

SEC. 2. *Be it further enacted*, That all those circuit courts in this commonwealth, that have not certified what the commonwealths attorney for their circuit, is entitled to for his preceding years services, shall at their next circuit court, make such certificate.

SEC. 3. *Be it further enacted*, That in all cases, where the county court cannot make provision for the payment of the attorneys of the circuit court, as

contemplated in the first and second sections of this act, at the January or February county court, the said county court shall, if there be a sufficient *depositum* for the year 1811, order the same to be paid out of said *depositum*.

SEC. 4. *Be it further enacted*, That if the county courts in this commonwealth, cannot make provision for the payment of the circuit attorney, as contemplated in the first and second sections of this bill, neither at the aforesaid January or February courts, nor out of the *depositum* for the year 1811, then and in that case, they shall make provision for the payment of the same, at their next court of claims.

contingencies upon which the courts shall make appropriation at their next court of claims

SEC. 5. *Be it further enacted*, That so much of the proceedings of all county courts, which have already provided for the payment of their commonwealth attorneys, is hereby legalized and made valid to all intents and purposes.

Proceedings of certain courts legalized

## CHAPTER CCXXXIX.

### AN ACT

*To change the venue in the trial of JESSE CRAVENS.*

APPROVED, JAN. 25, 1811.

**W**HEREAS, it is represented to the present general assembly, that Jesse Cravens stands charged in the Ohio circuit court, with the commission of perjury, and from the prejudices existing against said Cravens, in said circuit court, he cannot have a cool, dispassionate and impartial trial:—  
Wherefore,

Recital

SEC. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That the trial of the said Jesse Cravens, on the indictment depending in the said circuit, shall and may be had in the Hardin circuit court.

Venue changed to Hardin

SEC. 2. *Be it further enacted*, That it shall be the

**Sheriff to re-  
move record** duty of the sheriff of Hardin county, to apply to the clerk of the Ohio circuit court, within eight weeks from the passage of this act, for the said indictment, and a complete transcript of the record and proceedings of the said cause ; and the said clerk shall immediately deliver to the said sheriff, the said indictment and transcript of the record, and take the sheriff's receipt for the same ; and the sheriff shall, without delay, deliver the said indictment and transcript, to the clerk of the Hardin circuit court, and take his receipt therefor ; and the said sheriff shall be entitled to ten dollars for his trouble ; and for neglect of the duties herein required, shall forfeit thirty dollars : and it shall be the duty of the said clerk of the Hardin circuit court to receive and docket the same in due form ; and thereupon the trial shall proceed and be had in the said circuit court, as herein before directed : and the clerk shall issue all process and subpoenas to the first term of said court, after said removal, which the clerk of the Ohio circuit court have issued, provided the removal had not been had.

**compensation**

**Penalty for failure**

**duty of the clerk of Hardin**

**Jurisdiction given the Hardin court**

**Envisio**

**may commit or recognize**

**SEC. 3.** *Be it further enacted,* That the said Hardin circuit court, shall have jurisdiction of, and proceed to try the said Jesse Cravens on said indictment, and pronounce judgment of conviction or acquittal, in every respect, in the same manner as if the said offence had been committed in the Hardin circuit : *Provided,* the said Jesse Cravens shall, on the first term of said court, from the passage of this act, surrender himself to the said circuit court, while in actual session, and then and there give his consent, to be tried under the provisions of this act ; and if the said Jesse Cravens shall surrender himself, agreeable to the provisions of this act, and give his consent as aforesaid, it shall be the duty of the court, to whom he shall thus have surrendered himself, either to <sup>as</sup> commit him, or recognize him to appear at that time ; as <sup>to</sup> the said court shall seem most proper under the existing laws ; at which said court, the said indictment shall stand for trial ; but may for good cause, be continued as in other cases.

**SEC. 4.** *Be it further enacted,* That if the said

Jesse Cravens shall surrender himself, and consent to be tried, agreeable to the provisions of this act, he shall not be allowed to take advantage of any error, occasioned by the said trial being had in the Hardin circuit court, instead of that in which the offence is alledged to have been committed; nor shall the said Jesse Cravens, take advantage of any lapse of terms to obtain his discharge, if he shall not be brought to trial at the first term of the Hardin circuit court, at which he shall surrender himself as aforesaid.

No advantage  
to be taken of  
lapse of terms

S. c. 5. *Be it further enacted*, That if the said Jesse Cravens, shall fail to surrender himself, and give his consent to be tried, agreeable to the provisions of this act, at the first term of said court as aforesaid, he shall not be entitled to the benefit of the provisions of this act; but he shall be liable to be proceeded against, and tried in every respect, in the same manner as he would have been, as if this act had not have passed.

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CHAP. CCXL.

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AN ACT

*To revive the Law allowing longer time for receiving  
Platts and Certificates into the Register's Office.*

APPROVED, January 25, 1811.

Sec. 1. **B**E it enacted by the general assembly of the commonwealth of Kentucky, That the law authorising the returning of platts and certificates of survey, to the register's office, which expired on the first day of March, 1810, be, and the same is hereby revived; and the further time of two years from the said first day of March, 1810, be and is hereby granted, to owners of platts and certificates of surveys, made before the time for surveying entries expired, to return the same to the register's office; in which time the register of the land office, shall be

Law for re-  
turning platts  
& certificates  
revived,

and 2 years  
longer given

Register  
bound to re-  
ceive them

bound to receive all such plats and certificates of survey, whether on treasury warrants, military warrants or settlement and presumption warrants, although not returned within the time limited by the late law — And such lands shall not be considered as forfeited, or liable to forfeiture on that account, any law to the contrary notwithstanding. *Provided*, That no survey made, or to be made, by virtue of a land office treasury warrant, issued from the state of Virginia, prohibited or not liable to be entered within the bounds claimed by the Cherokee Indians, or Tellico lands, or within the bounds claimed by the Chickasaw Indians, or within the bounds reserved and set apart for the officers and soldiers south of Green river, shall be returned to the register's office: *Provided* nevertheless, that any survey made by virtue of a legal entry, made prior to the first day of May, 1792, by virtue of a warrant or warrants, for military service in the revolutionary war with Great Britain, issued to one of the officers or soldiers, in the state or continental line of the Virginia troops, said entry and survey having been made within the said bounds set apart for the officers and soldiers, south of Green river, except the lands south of the Tennessee river, claimed by the Chickasaw Indians, may be returned to the register's office, and patents may issue therefor as heretofore.

Proviso

Proviso

Patents that  
may hereafter  
issue void in  
certain cases

SEC. 2. *Be it further enacted*, That all patents that may hereafter issue, by virtue of any land warrant from the state of Virginia, returned to the register's office contrary to the provisions of this act, shall be null and void, any thing to the contrary notwithstanding.

Certain en-  
tries, surveys  
and grants  
void

SEC. 3. *And be it further enacted*, That all entries, surveys and grants, founded on any of the laws of this commonwealth, which have been entered, surveyed and granted, for lands included within the lines of any survey or grant, surveyed or granted under, or by virtue of any law of Virginia, or any law of this commonwealth for extending the times of surveying the claims derived from the laws of Virginia, shall be void: Nor shall any entry, survey or grant, made, surveyed or granted, by virtue of any of the laws of

this commonwealth, vest any right or interest in the owner or owners thereof, to the lands included in such entry, survey or grant, where such entry, survey or grant, has been made to interfere with any survey made previous to 29th day of November, 1798, although not returned to the register's office within the time prescribed by the laws of this commonwealth, for returning plats and certificates of surveys, for claims derived from the laws of Virginia.

Sec. 4. *And be it further declared*, That all plats and certificates of surveys not returned to the register's office within the time herein limited, the lands described therein shall be forfeited to the commonwealth, and remain for the future disposition of the legislature : *Provided however*, that nothing in this act contained, shall authorise the register of the land office to receive into his office, any platt and certificate or certificates of survey or surveys, in the preceding sections of this act mentioned, unless the person or persons entitled thereto, or his, her or their agent or agents, either before the register, (who is hereby authorised to administer the oath or oaths hereby directed to be taken) or some justice of the peace, make affidavit that he, she or they, verily believes the survey or surveys were made on or before the 29th day of November, 1798 : which affidavit the register shall file with the platt and certificate. And to prevent any injury, either to the commonwealth or any individual thereof, in consequence of the passage of this act, it is further enacted, that all grants founded on plats and certificates of survey or surveys, herein allowed to be returned to the register's office, shall be void, if in contravention to the foregoing section ; and the facts may be enquired into by any person or persons affected by such grant or grants, any thing in this act to the contrary notwithstanding.

And whereas the time has expired for returning plats and certificates of surveys, for lands derived from the laws of this commonwealth, on day of November, 1810, and it being thought just that individuals whose surveys have not been returned to the register's office in time, should have a further time to make their returns, and thereby prevent a

Plats &c. not returned within the limited time forfeited

*Provided*

Oath as to time survey was made

Grants founded on plats & certificates void in certain cases

*Preamble*

forfeiture to the commonwealth—Therefore;

5 years allow  
ed to return  
plats and cer  
tificates

Sec. 5. *Be it further enacted*, That a further time of five years, be allowed to the owners of plats and certificates of surveys; for claims derived from the laws of this commonwealth, to return the same; and the register of the land office is hereby directed to receive into his office, all such plats and certificates of survey, whether the surveys were made before or since the first day of November, 1810, or not: *Provided however*, Nothing in this act shall authorise the register to receive into his office, any plat and certificate of survey, for lands granted by the laws of this commonwealth, unless it is expressed in the certificate of survey—the nature of the claim, whether on removed certificate, additional or original claim; and if on a removed certificate, the owner or owners thereof, shall make affidavit before the register, or some justice of the peace, (which shall be filed by the register, with the plat and certificate,) that he verily believes the survey offered to be returned, does not interfere with any treasury warrant claim, military claim, settlement and pre-emption claim, nor with an actual settler's claim; but should the person or persons making the affidavit, be himself, herself, or themselves, an actual settler on the claim he, she or they may wish to return, he, she or they shall nevertheless, have a right to return his, her or their claim, by first making affidavit as before directed; and in addition thereto, state that he, she or they was actually settled on the claim about to be returned, previous to the passage of this act.

Provide

Oath required

Grants inclu  
ding lands im  
properly, to  
be so far void

And should any person or persons obtain a grant or grants, for lands in this act not allowed to be included in such grant or grants, the grant or grants shall be void as to so much they may improperly include, and shall be so expressed in the grant, and the fact may be enquired into by any person or persons affected by such grant or grants.

Two grants  
shall not issue  
on one war  
rant

Nor shall any thing in this act, authorise any person or persons, to receive two grants for one warrant or warrants, where the whole of such warrant or warrants has been satisfied by any other grant or grants; and all grants issued under the provisions of this act,

and contrary to this section, shall be void to all intent and purpose whatever.

Sec. 6. *And be it further enacted*, That nothing in this act, shall give a right to any person or persons, who may receive their grant or grants for lands under the laws of Virginia, unless the survey or surveys, on which their grant or grants are founded, was made by virtue of an entry made with the proper officer, and within the time allowed by law for making such entry or entries; and all grants not founded on an entry made within the time allowed by law for making such entry or entries, and surveyed on or before 29th day of November, 1798. shall be void. *Survey must have been made with the proper officer else void*  
*Provided however*, Nothing in this act shall prejudice the right, title, interest or claim of any infant or infants, *femes covert*, or of any person or persons of unsound mind, who may derive their right or rights to land, either from the laws of this commonwealth, or from Virginia; but they, and every of them, shall have three years from and after their several disabilities are removed, to perfect their claims; nevertheless, grants may issue to infants, on their guardian or guardians complying with the requisitions of this act.

CHAP. CCXLI.

AN ACT

*To authorise the Trustees of the Woodford Academy, to sell a part of their Ground, in or near Versailles.*

• APPROVED, JANUARY 25, 1811.

WHEREAS it is represented to the general assembly, by the petition of the trustees of the Woodford academy, that they have in the town of Versailles, or adjacent thereto, about three acres of land, whereon they have erected a large building for the use of said academy—that they have no active funds for the payment of some monies yet in ar-

year on account of said building and the expences of the institution—that said three acres are more than sufficient for the use and accomodation of the faculty and students of said academy; and praying that they may be authorised to sell a part of said land—Therefore,

Restrictions

SEC. 1. *BE it enacted by the General Assembly of the commonwealth of Kentucky,* That the trustees of the Woodford academy, for the time being, or their successors in office may, and they are hereby invested with full authority and permission, to sell a part of the said parcel or lot of ground, so that the part to be sold, shall not exceed one half acre, and shall not include the building or buildings as aforesaid erected, or any part thereof.

CHAP. CCXLII.

AN ACT

*To alter the time of holding certain Courts in this Commonwealth.*

APPROVED, JAN. 25, 1811.

Green

SECT. 1. *BE it enacted by the General Assembly of the commonwealth of Kentucky,* That hereafter the circuit courts for Green county, shall be held on the fourth Mondays in February, May and August in every year, and sit six juridical days at their February and May terms, and twelve at their August term, if the business thereof shall require it.

Adair

Sec. 2. The circuit courts for the county of Adair shall, hereafter, commence and be held on the first Mondays in March, June and October, in each year, and shall be authorised to sit six juridical days at their March and June terms, and twelve at their October term, if the business thereof require it.

Barron

Sec. 3. *Be it further enacted,* That hereafter the

county of Barren, shall be attached to, and form a part of the eighth judicial district;—that the county of Livingston, shall be attached to, and form a part of the seventh judicial district: That the circuit judges allotted, or hereafter to be allotted to those districts, shall respectively attend and preside in the circuit courts, directed to be holden in and for those counties—any law to the contrary notwithstanding.

SEC. 4: *And be it further enacted*, That the circuit courts in Union county, in the sixth judicial circuit, shall be held on the fourth Mondays in March, June and September, in every year; and the courts for the county thereof, shall be held on the fourth Monday in every month, except those on which the circuit courts for the said county of Union, are directed to be held; any provision in the law establishing the said county to the contrary, notwithstanding. And the courts for the county of Bath, shall be held on the fourth Monday in every month, except the months in which the circuit courts are to be held, the provision in the law establishing the said county of Bath to the contrary, notwithstanding.

CHAP. CCXLIII.

AN ACT

*For the benefit of FANNY HOY.*

APPROVED, JAN. 25, 1811.

**W**HEREAS, it is represented to the present general assembly, that Fanny Hoy, one of the children and legatees of William Hoy, deceased, is of unsound mind, and that the circuit court of Madison have appointed a committee to take care of said Fanny, and manage her estate; and it further appearing, that said Fanny possesses no estate, except an undivided interest in some land claims of her ancestor, and it is proper that provision should be

made for her support and safe keeping, and that such expences should be defrayed out of her own funds, rather than those of the public : Wherefore,

Circuit court  
of Madison to  
appoint a trustee

SEC. 1. *Be it enacted by the General Assembly,* That the circuit court of Madison, appoint some fit person, agent or trustee for the said Fanny Hoy ; which agent or trustee, shall have power to act in behalf of said Fanny, in any division or divisions of the lands of her ancestor ; and if a majority of her co-legatees, shall conclude to sell their undivided interest in any one, or all the lands of the said William Hoy, that the said agent or trustee, shall also sell with said majority, the undivided interest of the said Fanny : *Provided,* that no such division, nor sale of the land or lands of the said Fanny Hoy, or any of them, made by the said agent or trustee, shall be valid and binding, unless the circuit court of Madison county aforesaid, shall approve of such division or sale, and enter their approbation thereof, on the records of the said court, and that such land or lands have been sold for the value thereof ; and that so much of the money arising from said sales, as shall be allowed by the said circuit court for the support of the said Fanny since the proper inquest, passed upon her case, shall be paid to her committee, and the residue shall, by her agent, be put to interest, for the benefit of the said Fanny, to be appropriated by said circuit court, to pay for her safe keeping.

His power &  
duty

Proviso

Proceeds of  
sale, how ap-  
propriated

Annual ac-  
count to be  
rendered

SEC. 2. *Be it further enacted,* That the circuit court aforesaid, shall settle once in every year, with the said agent or trustee, and that the said court have power, whenever they deem it proper, to remove such agent or trustee, and to appoint another, and that such agent or trustee so appointed, shall possess all the powers, and perform all the duties imposed by this act.

Trustee to  
give bond

Condition

SEC. 3. *Be it further enacted,* That each agent or trustee thus appointed, shall enter into bond, with one or more securities, in such sum as said court shall direct, for the due and faithful discharge of the duties by this act imposed, for the annual settlement with said circuit court, and for paying over to any

future agent or trustee, all monies that may be in his hands belonging to said Fanny Hoy.

SEC. 4. *Be it further enacted*, That the said circuit court, may make to such agent a reasonable allowance for his services, to be paid out of the monies arising from the sale of said land.

## CHAP. CCXLIV.

### AN ACT

*Allowing an additional term to the Montgomery Circuit Court, for the trial of Chancery causes.*

APPROVED, Jan. 25, 1811.

SEC. 1. *BE it enacted by the general assembly*, That the circuit court of Montgomery may, and shall hold an additional term, to commence on the second Monday in January in every year, and continue eighteen juridical days, unless the business shall be sooner completed. When

SEC. 2. *Be it further enacted*, That no grand-jury shall be summoned at the said January term, nor shall any pleas of the commonwealth, or any action or motion, at common law, whatever, be tried; but the said term shall be, and is hereby exclusively appropriated to the trial of cases and matters in chancery. jurisdiction confined to the consideration of chancery cases

SEC. 3. *Be it further enacted*, That all decrees and orders, whether interlocutory or final: made at the said January term, shall be as valid as if made at any other term of said court; and that all process in chancery, which may now be sued out, and made returnable to any term of said court, or any day of such term, may be sued out and made returnable to the said January term, or any day thereof. Proceedings declared valid  
Return of process

SEC. 4. *Be it further enacted*, That nothing in this act, shall be construed to prevent the trial of any cause in chancery, at any of the ordinary terms of Court to exercise chancery jurisdiction at the other terms

said court; but that the same may be taken up, and tried at any of said terms, as if this act had never been passed.

This act shall commence and be in force from and after the first day of May next.

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CHAP. CCXLV.

AN ACT

*Authorising the trustees of the Town of Mountsterling to levy an additional tax on the property of the said Town, for the purpose of sinking a Public Well.*

APPROVED, Jan. 25, 1811.

SEC. 1. **B***F. it enacted by the General Assembly of the commonwealth of Kentucky, That the trustees of the town of Mountsterling are hereby authorised and empowered, to levy an additional tax, to what is now allowed by law, on the real property in the bounds of said town, not exceeding two hundred dollars, for the purpose of sinking a public well, walling and putting a pump in the same: and the said additional tax shall be collected and accounted for, in the same manner that other taxes for said town, are now collected and accounted for.*

## CHAP. CCXLVI.

## AN ACT

*Altering the time of holding the Bourbon circuit courts.*

APPROVED, January 25, 1811.

SEC. 1. **BE** it enacted by the General Assembly, of the commonwealth of Kentucky, That Months  
 hereafter the circuit court for the county of Bourbon, shall be held on the second Mondays in May, August and November, and sit eighteen juridical days, should the business thereof require it. Length of term

SEC. 2. *Be it further enacted,* That the chancery term for the said county, directed by law to be held in the month of March, shall in each year after the March term 1811, commence on the second Monday in January, and continue in session eighteen days, should the business thereof require it. Commence ment of chan cery term

SEC. 3. The officers of said courts are hereby re- quired to perform their respective duties. No suit, writ, recognizance, process or motion pending, or hereafter brought before said courts, shall be in any wise affected; but the same shall be and remain as effectual and valid as if this act had not passed; nor shall any thing herein contained, be construed to al- ter the time of holding county courts in said county. duty of offi cers  
process, &c. not affected by the change  
county court

## CHAP. CCXLVII.

## AN ACT

*To amend an act authorising the erection of a Turnpike gate on the road leading from the mouth of Triplett's creek, and from Lewis' mill on Fox's creek, in Fleming County, to the mouth of Big Sandy river.*

APPROVED, January 25, 1811.

Recital

Former act repealed

Commissioners

Duty

Keeper to give bond

WHEREAS an act passed at the last session of the general assembly, authorising the erection of a Turnpike gate on the road leading from the mouth of Triplett's creek, and from Lewis' mill on Fox's creek in Fleming county, to the mouth of Big Sandy river, is found impracticable to be carried into execution—Therefore,

Sec. 1. *Be it enacted by the general assembly of the Commonwealth of Kentucky,* That the said recited act be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That John M'Intire, James M. Graham, John Hunt, William P. Roper, John Gooding, John Jouitt and Thomas Iles, (or any four of them shall have the power of performing the requisitions of this act,) be appointed commissioners; whose duty it shall be, to let the roads from John M'Intire's near the mouth of Triplett, on Licking river—from Wheeler's mill on said river—and from Lewis' mill on Fox's creek; in Fleming county, to the mouth of Big Sandy, to a keeper or keepers, by first advertising four weeks previous to letting the same. in the public papers printed in Paris, and in the Kentucky Gazette in Lexington, of the time and place of letting the same: And the said commissioners shall let the said roads to the person or persons undertaking the same, for the shortest time, exposing it to public auction, subject to the regulations hereafter mentioned.

Sec. 3. *Be it further enacted,* That the said commissioners, shall take bond and sufficient security,

in the penalty of five thousand dollars, payable to the commonwealth of Kentucky, for the due and faithful performance of putting the said roads, intersecting the state road at its present fork, in good repair for horses, waggons and carriages to pass; and to make and keep up, during the time he or they keeps the same, all necessary bridges and causeways; and dig down the hill sides, where said roads go on sideling ground, so as that the water shall run on the upper side, and keep said roads in good repair for the time he or they keeps the same.

Penalty  
condition

Sec. 4. *Be it further enacted*, That the person or persons, undertaking the said roads; shall have the privilege of erecting a turnpike gate, on any part of said roads, he or they may think proper, so as not to be within ten miles of the little Sandy salt-works. And for the purpose of procuring land on which to erect the same, the said person or persons undertaking the same, shall, after making a selection of a place to erect said gate; apply to the county court of the county wherein the same is situate, who shall have power to summon all parties interested, and issue a writ of *ad quod damnum*, to ascertain the value of said land—and who may condemn any quantity of land, not exceeding twenty acres, as they may think necessary; which damages shall be defrayed by said keeper, or keepers; and shall at the expiration of said contract, be vested in the commonwealth.

Keeper may  
erect a gate

where

procure land

quantity

Sec. 5. The keeper or keepers, shall be entitled to demand and receive, the rates and toll as follows :

|                                                    |              |       |
|----------------------------------------------------|--------------|-------|
| For each person,                                   | 6 1-4 cents. | Tolls |
| For every horse, mare, or mule.                    | 6 1-4 cents. |       |
| For every carriage or cart with<br>two wheels,     | 25 cents.    |       |
| For every carriage or waggon,<br>with four wheels, | 50 cents.    |       |
| For every head of neat cattle,                     | 3 cents.     |       |
| For every head of hogs,                            | 1 cent.      |       |

Every post-rider, express and their horse—every child under ten years of age—every woman residing within ten miles of said gate—every person packing salt from Little Sandy salt-works, and their horses, or mules, shall be exempted from toll. Every horse

Persons  
exempt

Penalty for  
certain viola-  
tions

or horses, necessarily attached and harnessed to a carriage, and two persons to each carriage, shall be privileged for the conveyance of each carriage : And if any person shall forcibly pass, or attempt to pass, the said turnpike, without paying the toll aforesaid, or avoid or attempt to avoid it, he or they shall forfeit and pay ten dollars ; which may be recovered before any justice of the peace in this commonwealth.

Period at  
which the  
road shall be  
repaired

Sec. 6. The person or persons undertaking to put said roads in repair, shall have the same done, on or before the first day of November, 1812 ; and shall not receive toll from any person or persons whatever, until he shall procure from the commissioners aforesaid, a certificate of the said roads being in sufficient repair, as in the opinion of said commissioners, to entitle him or them to toll ; and which certificate may be granted at any time previous to said first day of November, 1812.

Keepers bond  
to be return-  
ed to court

Sec. 7. *Be it further enacted*, That the bond required by this act, to be taken from the keeper or keepers, of said roads, shall be returned by the said commissioners, to the clerk of the circuit court of Fleming ; and in case of failure to comply with the conditions thereof, the same proceedings are hereby authorised to be had thereon in said court, as are allowed by law to be had against defaulting public debtors.

How recove-  
ry had

Court to fill  
vacancies

Sec. 8. *Be it further enacted*, That upon the resignation or death, of any of the said commissioners, the same being made known to the court of the county, wherein said commissioner resides, the said court shall appoint some person residing in the same county—who shall be vested with the same powers, as are given to the commissioners by this act ; and they shall be allowed one dollar and fifty cents each per day, for their services, to be paid by the keeper or undertaker, of said roads and turnpike.

compensation  
of commissio-  
ners

Commission-  
ers when to  
meet

Sec. 9. *Be it further enacted*, That the said commissioners shall meet at the house of Joshua Knapp, at the forks of said road, on the first day of March next, or as soon thereafter as convenient.

CHAP. CCXLVIII.

AN ACT

*To amend an act entitled "An act to reduce into one the several acts for the conveyance and division of lands," passed in 1797.*

APPROVED, JAN. 26, 1811.

Sec. 1. **B**E it enacted by the General Assembly, That when the executors named in any will heretofore executed, or hereafter executed, have declined, or may decline the executorship, and such will authorises the executors, or any of them, to make conveyance of the lands of the testator, or any of them, sold by the testator, that it shall be lawful for the county court of the county where the land sold lies, upon being satisfied of the payment of the consideration, to appoint, on the application of any person entitled to a conveyance under said will, three commissioners; who, or any two of them, shall make conveyance of the land sold to the person entitled thereto, pursuant to the contract; which shall be as effectual as if the conveyance had been made by the testator in his life time. And it shall be the duty of the county court, to cause the contract upon which the conveyance is to be made, to be filed in the office, and recorded at the time the commissioners are appointed for the purpose aforesaid.

When executors may or have declined to act, commissioners appointed to convey land

Contract to be recorded

Sec. 2. *Be it further enacted,* That henceforth when any person having a title to any real estate of inheritance, shall die intestate, as to such estate, and the same shall descend and pass in parcenary, to the heirs of the said intestate, unincumbered by claim of dower, that the county court of the county where the intestate may die, or where the estate so descended, or any part thereof, lies, may, on the application of the said heirs, or any one of them, appoint three persons commissioners, to make partition of all

When real estate descends in parcenary to heirs, commissioners to be appointed to make partition

Commissioners to take oath

their duty

Proviso for infants and *femes covert*

Regulations where such estate is incumbered by dower

Slaves may be divided

the real estate so descended, amongst the said parceners ; and thereupon the said commissioners, being first duly sworn before some justice of the peace, faithfully to perform said duty, shall proceed with all convenient dispatch, to lay off by metes and bounds, or in any other proper manner, the proportion of each parcener according to right and justice, and make report of their proceedings in the premises to such court ; and if no exception is sustained to the said report, the said commissioners shall be empowered by such court, to convey to each parcener in fee simple, the land or lands allotted to such parcener in said report ; and such partition and conveyance, shall be as valid and effectual as if the same had been made in any manner now authorised by law :

*Provided nevertheless*, that if any such parcener be an infant, the application for partition shall be made by the guardian ; and if a *feme covert*, by her husband : *And provided further*, that no application for partition shall be granted, unless it appears by affidavit, produced to the court, that the applicant has given reasonable written notice, to every other person or persons interested in said partition, of the intended application ; and it shall be sufficient where an infant is concerned, to notify the guardian ; and where a *feme covert* is concerned, to notify the husband.

SEC. 3. That when such estate, as is mentioned in the preceding section, shall descend in parcenary to the heirs of an intestate incumbered by dower claim, that, as well the residue of such estate, after assignment of dower, as the estate so assigned for dower, after the determination thereof, shall and may be partitioned and conveyed, according to the provisions of said section ; and such partition and conveyance shall be in every respect, subject to the same rules and regulations, and be attended with the same effect, as a partition and conveyance made by virtue of the said preceding section.

SEC. 4. *Be it further enacted*, That slaves may be divided amongst the heirs of an intestate, pursuant to the provisions of the preceding sections, as far as they may be applicable, the party or parties administering on the estate of the intestate, consenting thereto.

SEC. 5. *And be it further enacted,* That nothing herein contained, shall be construed to repeal any law now in force, on the subject of advancements made by the intestate, in his life time, to any person or persons claiming or receiving the benefit of this act. Not to affect advancements

SEC. 6. *And be it further enacted,* That any partition or division, made by virtue of this act, shall be subject to the control and revision of a court of equity, where fraud has been practised in obtaining the same, or where the partition is unjust, or where any parcener or other person, affected by such partition or division, may lose his portion of the estate, or any part thereof, in consequence of the defect of the title. Partition subject to revision of a court of equity

SEC. 7. *Be it further enacted,* That every commissioner, acting by virtue of this act, shall receive one dollar per day, for every days service in the premises, to be paid in the first instance by the applicant for the partition, who shall be entitled to receive from the other parcnere concerned, their proportion of such expence, if the partition is established. Commissioners' pay

SEC. 9. *And be it further enacted,* That when two or more persons are joint tenants, or tenants in common of land, and the said tenants are part residents and part non-resident, that partition may, on the application of either of them, be made between them, pursuant to the third section of the act, entitled "an act to reduce into one the several acts for the conveyance and division of lands," passed in 1797, any thing in this act to the contrary notwithstanding. joint tenants, &c. partitioned, and how

CHAP. CCXLIX.

AN ACT.

*Prefixing three additional days (for the trial of Chancery Causes) to the Clarke Circuit Court.*

APPROVED, JAN. 26th, 1811.

SEC. 1. **B**E it enacted by the general assembly of the commonwealth of Kentucky, That

three days (exclusive of Sunday) shall be prefixed to each term of the Clarke circuit court, for the purpose only of hearing and determining chancery causes : And the circuit and assistant judges shall hereafter attend and commence their said term on the Thursday next before the fourth Monday in the months of March, June and September annually ; and the clerk of said circuit court shall make out a chancery docket accordingly : *Provided however*, that nothing in this act shall prevent the court from hearing any chancery cause on any other day of said term as heretofore : *And provided also*, that all business which now is, or hereafter may be depending in said court, shall be commenced and determined in manner and form as heretofore.

Commence  
of the term

docket to be  
made out

Proviso

Commence  
ment

This act shall commence and be in force from and after the end of the next March Clarke circuit court.

## CHAP. CCL,

### AN ACT

*To authorise the conveyance of land from the heirs of  
William Mitchell, deceased, to Cornelius Shuck.*

APPROVED, January 26, 1811.

Recital

**W**HEREAS, it is represented to the present general assembly, that William Mitchell, deceased, in his life-time, sold a tract of land containing twenty-two acres, or thereabouts, to one Cornelius Shuck, and received a part of the purchase money, but failed to reduce said contract to writing ; and that said Mitchell left a wife and children in moderate circumstances, and unable to repay the purchase money received by said Mitchell in his life-time, for said land, without distressing them ; and that the balance of the price of said land, would enable the widow of said decedant, to raise and educate her said children—Wherefore,

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That the county court for the county of Shelby be, and they are hereby authorised, to appoint one or more commissioners, who, upon said Shucks producing to them a receipt from the wife or administrators of said decedant, for the balance of the purchase money of said land that is yet due, shall be authorised to convey said land to said Shuck, by deed; which deed shall vest the same title to said Shuck, as if it had been executed by said Mitchell in his life-time.

County court  
to appoint co  
mmissioners  
to convey

efficacy of  
deed

## CHAPTER CCLI.

### AN ACT

*Authorising the county court of Jefferson county to sell part of the Public Ground.*

APPROVED, JAN. 26, 1811.

**W**HEREAS, it is represented to the present general assembly, that the court-house in Louisville, Jefferson county, is of little value, and unfit for use: And whereas there are four acres of ground appropriated to public purposes, and it is represented that two acres are sufficient—Wherefore,

Recital

*BE it enacted by the general assembly of the commonwealth of Kentucky*, That the county court of Jefferson county may, at any time within one year, make sale of the following lots of public ground, lying in Louisville, Jefferson county, known on the plan of said town by the following numbers, to wit: Number 375, number 276, number 277, and number 278, containing one half acre each, and convey the same by deed; and the proceeds of the sale of the said lots shall be applied to the erection of a large and commodious court-house, to be placed on some part of the remainder of the public ground: *Provided however*, that the county court of Jefferson county

Court may  
sell certain  
lots

Now:  
how proceeds  
appropriated

Proviso

*Proviso.*

ty shall make a liberal allowance, to be paid out of the county levy, and provision in aid of the funds arising from the sale of the said lots, for the erection of said court-house: *And provided likewise*, that the said court-house be erected in the course of the year 1811.

## CHAP. CCLII.

### AN ACT

*For the relief of Thomas Salisbury, of Muhlenberg County.*

Approved, January 26, 1811.

**W**HEREAS it is represented to the present general assembly, that Thomas Salisbury of the county of Muhlenberg, has title to two certificates, covering the same tract of land—one of which certificates he has obtained a patent on—the other, the auditor proceeded to expose to sale, and the said Salisbury had to re-purchase said certificate from the state purchaser: And whereas the auditor may again proceed to sell the said certificate, and the said Salisbury may be involved in litigation with the purchaser—For remedy whereof,

*BE it enacted by the General Assembly*, That the circuit court for Muhlenberg is hereby authorised and required, upon said Salisbury producing to them sufficient proof of his owning both said certificates, and that said certificates interfere and cover the same land, that said court shall certify the same to the auditor, who shall file said certificate, and note the same on the margin of his book, opposite to said certificate, in the name of John Dennis, No. 253, and the said certificate shall not thereafter be subject to sale for the non-payment of the instalment or instalments due, or to become due thereon.

CHAP. CCLIII.

AN ACT

*To alter the places of holding elections in the precincts  
in Bracken and Grayson counties.*

APPROVED, January 26, 1811.

SEC. 1. **B**E it enacted by the General Assembly  
of the commonwealth of Kentucky, That  
all elections directed by law to be holden at the  
house of James Putman, in the precinct in Bracken  
county, shall hereafter be held at the house of Da-  
niel Threlkeld, in said precinct.

SEC. 2. *And be it further enacted,* That all elec-  
tions for that part of Grayson county taken from O-  
hio county, shall be hereafter held at Jacob Myers';  
any law to the contrary notwithstanding.

CHAP. CCLIV.

AN ACT

*To amend the several acts concerning the Turnpike and  
Wilderness road.*

APPROVED, JAN. 26, 1811.

**W**HEREAS a number of waggons and pack-hor-  
ses, passing to and from the lower Goose creek  
salt works, in Clay county, travel but a few miles a-  
long the Wilderness road, and have to pay full toll  
at the turnpike on said road—Therefore,

SEC. 1. *BE it enacted by the General Assembly of* the commonwealth of Kentucky, That it shall be the  
duty of the keeper of the said turnpike, to note in a  
book to be by him kept for that purpose, all monies  
received of particular persons

Recital

Keeper to  
note the sums  
received of  
particular  
persons

How appro-  
priated

by him received from such waggoners and pack-horsemen, as may be travelling to and from the said lower Goose creek salt works ; one half of which money shall be appropriated to clear out and repair the road leading from the said Wilderness road; at Andrew Craig's, to the said lower Goose creek salt works ; and the said keeper of the turnpike shall, once in every year, make affidavit before some justice of the peace, of all monies received by him aforesaid, which affidavit he shall transmit to the Clay county court.

Clay county  
court to ap-  
point an over-  
seer

Sec. 2. *Be it further enacted*, That it shall be the duty of the Clay county court, from time to time, to appoint some fit person to clear out and keep in repair the said road, leading from Andrew Craig's to the lower Goose creek salt works, agreeably to the laws and regulations now in force, relative to the Wilderness road : And it shall be the duty of the said keeper of the turnpike, to pay over from time to time, one half of all monies hereafter received by him as aforesaid, any law to the contrary notwithstanding.

CHAP. CCLV.

AN ACT

*Concerning the MONTGOMERY ACADEMY.*

APPROVED, January 26, 1811.

May dispose  
of a certain  
proportion of  
their lands

how proceeds  
applied

Sec. 1. *BE it enacted by the General Assembly, of the commonwealth of Kentucky*, That the trustees of the Montgomery Academy, are hereby authorised and empowered, to sell and convey to the purchaser, any number of acres of land not exceeding four hundred, out of the donation of the state to the Montgomery academy, in addition to what they are now allowed by law to dispose of ; and apply the proceeds, or so much thereof, to the use and

benefit of Justinian Cartwright, for his services, as will be sufficient to pay the necessary expences in perpetuating testimony, and establishing the said donation to the Montgomery Academy.

## CHAP. CCLVI.

### AN ACT

*Supplementary to an act authorising a Lottery for improving the navigation of the Kentucky River.*

APPROVED, Jan. 26, 1811.

**B**E it enacted by the general assembly of the Commonwealth of Kentucky, That the managers, or a majority of them, appointed by an act of the present session of the general assembly, authorising a lottery for improving the navigation of the Kentucky river, to carry into effect the said lottery, shall hold their first meeting in Lexington, on the second Monday in April next, at the Kentucky Hotel ; and shall then make provision for their future meetings, and any farther regulations necessary to carry the said recited act into complete effect.

Time and place of the first meeting of the managers

## CHAP. CCLVII.

### AN ACT

*For the better regulation of the town of Lexington.*

APPROVED, January 26, 1811.

SECT. 1. **B**E it enacted by the General Assembly of the commonwealth of Kentucky, That the seven trustees who shall be elected for the

Term of service of certain trustees

town of Lexington, on the first Saturday in January, 1811, agreeably to an act relative to said town, passed on the 19th day of December, in the year 1796, shall continue in office during the ensuing year ; and that an election shall be held on the first Saturday in March next, at the court-house in said town, for the purpose of electing four additional trustees, to continue in office for the same period.

Additional trustees to be elected, and when

Persons entitled to vote for trustees

when elections to be held

No. of trustees

Superintendants of elections  
Notice of elections.

Return of trustees elected

Residence of trustees

Vacancies in the board how filled

May levy a poll tax

May also levy a tax on property ad valorem

Sec. 2. *Be it further enacted*, That it shall and may be lawful for all persons residing within the bounds of the town of Lexington, who are, or may hereafter be entitled to vote for representatives to the legislature of this state, to meet at the court-house in said town, on the first Saturday in the month of January, in the year one thousand, eight hundred and twelve, and on the same day in every succeeding year, for the purpose of electing eleven trustees ; which election shall be conducted by one of the late trustees, to be appointed by the board for that purpose. Ten days previous notice thereof, shall be advertised in all the public newspapers in said town, by order of the board ; and the return of the persons so elected, shall be made to the clerk of the said board, which he shall record in their books.

Sec. 3. No person shall be capable of being elected, or of acting as a trustee, who is not an inhabitant of said town, or the limits thereof.

Sec. 4. Vacancies occasioned by death, disqualification, resignation or otherwise, shall be supplied by elections, to be made in manner herein before directed, on a day to be appointed by the remaining trustees, and return thereof made in the manner before directed.

Sec. 5. The said trustees shall be, and are hereby authorised to assess upon each free male inhabitant, above the age of twenty-one years, within the bounds of the town aforesaid, a poll tax, not exceeding one dollar per annum ; and also upon every male slave, above the age of eighteen years, a like tax, not exceeding one dollar per annum. They are also further authorised, to levy upon the property, real and personal, within the bounds aforesaid (except male slaves above the age of eighteen years,

who shall pay no other than the poll tax,) such sum as they may judge necessary for the benefit of the said town, not exceeding twenty-five cents for every hundred dollars of the assessed value of such property ; to make provision for the collection of, and accounting for all taxes, which they are hereby, or may be hereafter empowered to levy, in such manner as they may deem proper, by distress or otherwise. And in addition to the powers already granted to the said trustees, they shall have power to enact all such bye-laws, ordinances and regulations, as they may deem necessary for the good government and police of said town : *Provided*, the same be not contrary to the laws and constitution of this state : And *provided also*, that every such bye-law, ordinance or regulation, and also the apportionment of taxation, shall have been approved of by a majority of the whole board elected as aforesaid : And *provided further*, that no bye-law, ordinance or regulation, shall take effect until the same shall have been approved at two stated meetings of said board, and published three weeks at least, in some one or more news-papers in the said town.

may enact by laws

Provide

Provide

SEC. 6. *Be it further enacted*, That in the expenditure of the money hereby authorised to be raised, the trustees aforesaid, may make such dispositions and appropriations, as they may deem most conducive to the interest and well being of said town.

disposition of the tax

SEC. 7. *Be it further enacted*, That the trustees of said town, are further authorised to make any appropriation out of the funds raised as aforesaid, as they may deem expedient and necessary, to the directors of the UNION FIRE COMPANY. And said directors are hereby required to publish in some newspaper in Lexington, at least every six months, a report of the situation of the fire utensils, &c. and also the manner in which any monies granted them by the trustees, have been appropriated.

appropriation may be made to the fire Co.

Directors of the fire Company to publish semi-annual reports

SEC. 8. For the transaction of ordinary business, a majority of the trustees shall be sufficient to form a quorum.

No. to constitute a quorum

All acts or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

pay into the public treasury within twelve months from the passage of this act, the whole amount of the state price, or the balance in case of a partial payment already made, due or to become due, shall be entitled to a discount of the interest due or to become due thereon.

Provisions in which a distinction is recognized between claimants upon actual settlement, & those without such settlement

Sec. 5. *Provided always*, and it is hereby expressly declared and enacted, that no claim to land, founded on, or derived under, or by virtue of any county court certificate, as an additional, original or removed claim, upon which there is no actual settlement and residence, at the passage of this act, made by the owner of such certificate, or some person claiming under him or her, the owner or owners thereof, taking, using or falling under the indulgencies, or either of them, for payment, deduction of interest, or redemption herein granted, shall, after the owner so takes, uses, or by failure to pay, falls under the said indulgencies or either of them, have any efficacy, priority or virtue in law or equity, in any conflict or contest with any other adverse claim, located, entered or surveyed, by virtue or colour of any warrant, certificate, or entry whatever, where such adverse claimant, or any one occupying under him, is actually seated on the land at the passage of this act.

Construction of preceding section

Sec. 6. *Provided however*, that nothing in the preceding section, shall be construed to impair or affect the rights of persons claiming under certificates founded upon a previous actual settlement, made in good faith; nor to impair or affect the rights of persons holding under an additional claim, founded on an original certificate, for land upon which an actual settlement and occupancy, had been made by any claimant under such original certificate, at any time before the additional certificate was granted; of which settlement, however, the certificates or certificate of the commissioners, or of the county court, shall not be evidence.

Certificates of commissioners or courts not conclusive evidence of settlement

certain claimants entitled to the benefit of the 5th § of this act

Sec. 7. That where any person shall be actually settled, at the passage of this act, upon a tract of land, claiming the same by a location or survey, less than four hundred acres, claiming also a quantity adjoining, not exceeding four hundred acres, such

settler shall be entitled to the benefit of the fifth section hereof, as to such adjacent claim, not exceeding four hundred acres.

SEC. 8. And where any person is actually settled, at the passage of this act, upon a tract of land of four hundred acres, or any smaller quantity, claiming by entry or location, not sufficiently descriptive of the land intended to be appropriated, and not reduced to certainty by actual survey, such settler shall nevertheless, be entitled to protection contemplated in the fifth section of this act, for his quantity of land, not exceeding four hundred acres, when laid off, as nearly in a square, with the lines to the cardinal points, and the dwelling seat, at the intersection of the diagonals, as prior actual settlements and military claims will permit. Certain settlers protected

SEC. 9. The auditor of public accounts, shall keep an account and record of the sums paid on any tract of land, and of the time of payment; and a certificate from the said department, signed by the auditor, shall be evidence of the sums paid, the time of payment, deduction of interest, or of a failure to pay within the times prescribed by law, as the case may be. duty of Auditor

SEC. 10. That where any person obtains a quietus, for the price due the commonwealth upon any tract of land, by taking the benefit of this act, either as to extension of the time for payment, or for redemption, or for deduction of interest, the auditor shall recite it in the quietus, and the register of the land office shall recite the same in the grant. Further duty of the Auditor and register

## CHAP. CCLX.

### AN ACT

*For the benefit of JOHN K. MANGHAM.*

APPROVED, JANUARY 29, 1811.

**W**HEREAS, it appears to the present general assembly, that John K. Mangham, migrated  
N

to this state in the year 1808, with an expectation of settling his family on vacant land ; but previous to that time, the law authorising county courts to grant certificates for land, was repealed.—He therefore prays an act may pass, authorising him to enter and bring into grant, a small tract of land adjacent to the tract said Mangham now lives on : Therefore,

SEC. 1. *BE it enacted by the general assembly,* That John K. Mangham is hereby authorised to enter, survey and have recorded, in the county surveyor's office, any quantity of vacant and unappropriated land, not exceeding one hundred acres, adjacent to the tract he now lives on, and return the same to the register's office : and on his paying into the treasury at the rate of twenty dollars per hundred, and receive a quietus for the same, within twelve months from this date, a patent shall issue as in other cases : *Provided*, that nothing in this act contained, shall impair the right, title or claim of any other person or persons whatever.

## CHAP. CCLXI.

### AN ACT

*Further to promote the Navigation of Salt River and its Navigable Branches.*

Approved, January 29, 1811.

Recital

**W**HEREAS, the navigation of the different branches of Salt river, is of great importance to the citizens of that part of this commonwealth ; but owing to the obstructions therein, whereby many losses are incurred, many are deprived of its advantages : For the purpose of removing said obstruction—

Managers appointed to raise \$5000

SEC. 1. *Be it enacted by the general assembly,* That it shall and may be lawful, for William R. Hynes, James Smiley, John Caldwell, John W.

Beckwith, James Crutcher, Elias Davidson, Nathaniel Wickliff, Samuel Smiley and Samuel M'CLean, or a majority of them, to raise by lottery, in one or more classes, as to them may appear necessary, any sum not exceeding five thousand dollars, to be applied to the purposes hereafter mentioned : and the said William R. Hynes, James Smiley, John Caldwell, John W. Beckwith, James Crutcher, Elias Davidson, Nathaniel Wickliff, Samuel Smiley and Samuel M'CLean, are hereby bound to pay to the fortunate person, the amount that each person shall be justly entitled to by the event of said lottery : and in case of failure, shall be liable to the action of the party aggrieved, or so many of them as were concerned in carrying the said lottery into effect. The drawing of the said lottery shall be done in Bardstown, in the county of Nelson, and shall not commence unless two of the justices of the peace in said county, are present ; whose duty it shall be, to see that the same is fairly and properly conducted. And each of the drawers, examiners and clerks, and all others concerned in drawing said lottery, shall, before the same commences, take an oath to act fairly and impartially, in the discharge of their several offices, which any justice of the peace in said county may administer. If the said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets, to demand and receive the money they have respectively paid, from the persons receiving the same.

Their duty

where lottery shall be drawn

justices of peace, their duty

How money to be refunded

SEC. 2. *Be it further enacted*, That upon the receipt of the monies produced by the said lottery, the said commissioners, or a majority of them, shall, by public advertisement or otherwise, proceed to let out to the lowest bidder, the removal of all obstructions in the several branches of Salt river, from their present highest points of navigation to its mouth, to any individual or individuals that will undertake the same ; who shall, before they proceed to work thereon, give bond and security to the managers aforesaid, for the faithful execution of their duties as herein described, according to the undertaking they shall make ; which may, upon breach thereof, be put

How money to be applied

In suit by said managers, and a recovery had according to their failure.

Further duty  
of managers

SEC. 3. The said undertakers, shall clear the said river as aforesaid, clear of all logs, brush, trees, rocks, fish-traps, shrub all points of islands, and remove other impediments therein ; and the time for its performance shall be limited at the discretion of said managers.

## CHAPTER CCLXII.

### AN ACT

*For the relief of ANDREW BIGGS.*

APPROVED, January 29, 1811.

Preamble

WHEREAS, it is represented to the present general assembly, that a certain Andrew Biggs, is recognized to attend the next April term of the Montgomery circuit court, in consequence of a charge exhibited against him in the county of Montgomery, of the murder of one William Sanders ; and it is apprehended, from the prejudices existing against him in the said county, that he cannot be impartially tried therein—Therefore,

May be tried  
in Harrison

*BE it enacted by the general assembly aforesaid.* That if an indictment is found against the said Andrew Biggs, at the next April term of the Montgomery circuit court, he shall be entitled, if on his appearance to said indictment, he requests it, to a trial in the Harrison circuit court ; and such request shall be forthwith entered on the records of said Montgomery circuit court ; whereupon, if the said court last mentioned shall be of opinion, that the offence charged in such indictment is bailable, the said Biggs, if he can provide sufficient bail, shall be recognized with such bail, in due form of law, to appear on the first day of the next Harrison circuit court in June next, to answer the matter contained in such indictment : And if the said Montgomery circuit court, shall be of opin-

Regulations  
concerning  
bail

ion, that the offence charged in said indictment, is not bailable, or if sufficient bail cannot be procured by the said Biggs, if the court last mentioned should be opinion, that such offence is bailable, then the said court last mentioned, shall direct the sheriff of the said county of Montgomery, and it shall be his duty, with all convenient dispatch, to remove the said Andrew Biggs, to the jail of the county of Harrison; and the jailor thereof, or the sheriff of said county of Harrison, if there is no jailor, shall receive said Biggs, and imprison him in the jail of said county last mentioned; and there detain him until discharged from thence by due course of law. And thereupon, or in the event of said Biggs being recognized to attend the Harrison circuit court as aforesaid, the said circuit court of Harrison county aforesaid, shall have complete, exclusive and final jurisdiction in the trial of said Biggs; and in all matters necessarily incidental thereto, and connected therewith, in the same manner as if the said Biggs had been indicted in the said Harrison circuit court, and had been originally liable to have been proceeded against therein, by reason of the said crime alledged against him; and it shall be the duty of the Montgomery circuit court, to transmit to the clerk of the Harrison circuit court, by the sheriff of Montgomery county, the indictment found against the said Biggs, and copies of all entries made on the records of such court last mentioned, touching or concerning the premises. And the said sheriff of Montgomery, before he removes the said Biggs, shall apply to and obtain, from the clerk of the said Montgomery court, the papers aforesaid: and the court last mentioned shall, if the said Biggs is not bailed as aforesaid, issue a warrant directed to the jailor, if there is such an officer in the said county, and if not, to the sheriff of the said county of Harrison, to receive the said Biggs, and detain him in the prison of the said county of Harrison, until discharged from thence by due course of law. In which warrant shall be recited, the charge preferred against the said Biggs, and that he is sent to the said jail by virtue of this act: and the said circuit court of Montgomery, shall assess the amount of

Further regulations

Sheriff's compensation how assessed

compensation which the sheriff of said county of Montgomery shall receive for his services, in the removal of the said Biggs; which shall be paid out of the treasury in the usual mode, upon his producing to the auditor, the receipt of the sheriff or jailor (as the case may be) of Harrison county, that the body of the said Biggs is in his custody:

CHAP. CCLXIII.

AN ACT

*Concerning Witnesses in certain cases; and Venire-men.*

APPROVED, Jan. 29th, 1811.

Witnesses  
allowance.

**B**E it enacted by the general assembly of the commonwealth of Kentucky, That every witness summoned to appear at any court, or to attend commissioners, referees, or upon any survey of land, shall be paid by the person or persons at whose suit the summons issued, fifty cents for every days attendance upon such summons.

Allowance to  
venire men.

Sec. 2. *Be it further enacted*, That where the *venire*, or any of them, in the trial of any criminal cause, in the circuit or county courts, may be challenged, and by-standers summoned and sworn in their stead, they shall be entitled to the same pay, as is at present allowed to the *venire* in similar cases.

Allowance to  
officers of go-  
vernment at-  
tending under  
subpœna.

Sec. 3. And in all cases where any of the officers of government by subpœna *duces tecum*, are required to attend with the records of their office or offices, before any court, commissioners, or referees, shall be entitled from the person at whose instance such subpœna issued, one dollar per day, for each day's attendance; to be taxed in the bill of costs, as now directed by law.

Allowances to  
have the force  
of fee bills.

Sec. 4. *And be it further enacted*, That the clerk's certificate for all allowances to witnesses, shall have the same force as officers' fee bills now have; and

be collected by the sheriffs and constables, and accounted for in the same manner, to the persons entitled thereto.

CHAP. CCLXIV.

AN ACT

*Giving the justices of the Knox, Boone, Estill and Clay county courts, further time to appropriate their donation lands.*

APPROVED, January 29, 1811.

**B**E it enacted by the general assembly of the commonwealth of Kentucky, That the justices of the county courts of Knox, Boone, Estill and Clay, shall have the farther time of six months, from the passage of this act, to procure to be located, surveyed and patented, so much of their donation lands, in addition to the quantity already located, as will make in the whole six thousand acres, on any vacant land in this commonwealth, except the lands to which the Indian title is extinguished by the treaty of Tellico, and the lands lying west of the dividing ridge, between the waters of Cumberland and Tennessee rivers: *Provided however*, that the justices of the county courts aforesaid, shall be regulated by the laws now in force, granting donation lands to other counties in this commonwealth; *Provided however*, that in locating the same, they shall not interfere with any actual settler, with two hundred acres around him, to be laid off as near a square as the adjoining claims will admit: *Provided*, that nothing in this act, nor in any other act contained, shall be so construed, as to authorise the locating and surveying more than six thousand acres of land, for any one seminary within this commonwealth. And the register of the

Six months.

Restriction  
as to quantity  
as to place

Proviso:

Proviso.

Proviso.

land office is hereby prohibited, from issuing grants to, or for the benefit of any one seminary, for more than six thousand acres as aforesaid: *Provided also*, that nothing in this act contained, shall be construed to prevent any entry or survey, hereby permitted to be made, to interfere with any entry, survey, or patent, made under any of the laws of Virginia, or of this state.

CHAP. CCLXV.

AN ACT

*To alter the time of holding the Lewis Circuit Courts, and to extend the November term of the Washington circuit court.*

APPROVED, JAN. 29, 1811.

Washington  
circuit court.

Last six days  
how appropri-  
ated

Proviso

Time of hold-  
ing the Lewis  
circuit court

county courts  
when holden

Sec. 1. **B**E it enacted by the general assembly of the commonwealth of Kentucky, That the circuit court, holden for the circuit of Washington, shall, at the November term of said court, be holden and continue twelve juridical days, if the business in said court may require the same.

Sec. 2. *Be it further enacted*, That the last six days of said term, shall be exclusively appropriated to the trial of chancery causes: *Nevertheless*, it is provided, that nothing contained in this section, shall be so construed, as to prevent the court from trying chancery causes on the first six days of said term, if the court shall choose so to do.

Sec. 3. *Be it further enacted*, That the circuit court for the county of Lewis, shall be held on the third Mondays in June and September, instead of the fourth Mondays in July and October.—And the county courts for said county shall, after the first day of March next, be held on the same Mondays in every month, in which circuits courts are

respectively directed to be held, except the months in which the circuit courts are holden.

CHAP. CCLXVI.

AN ACT

To alter the time of holding the Hardin, Bullitt and Nelson Circuit Courts.

APPROVED JANUARY 29, 1811.

Sec. 1. **B**E it enacted by the General Assembly, of the Commonwealth of Kentucky, That hereafter the fall term of the circuit court for the county of Hardin, shall commence and be holden on the first Monday in September; and continue twelve juridical days, if the business may require it. Hardin circuit court when to be holden

SEC. 2. *Be it further enacted,* That the fall term of the Bullitt circuit court, shall hereafter commence on the third Monday in September in every year; and continue to sit twelve juridical days, if the business require it. The county courts for the said county, shall be holden on the first Monday in every month, except the months in which the circuit courts for said county are holden. Bullitt circuit court when to be holden  
County courts when to be holden

SEC. 3. *Be it further enacted,* That the fall term of the circuit court for the county of Nelson, shall commence and be holden, on the first Monday in October; and continue to sit twenty-four juridical days if the business in said court shall require it. Nelson circuit court when to be holden

SEC. 4. *Be it further enacted,* That nothing in this act contained, shall be so construed as to alter the time of holding the county courts of the aforesaid counties of Hardin and Nelson. Provided

This act shall be in force from and after the first day of March next.

## CHAP. CCLXVII.

## AN ACT

*For the relief of JOHN FOWLER.*

APPROVED, JAN. 29, 1811.

Preamble;

WHEREAS, it is represented to the present general assembly, that a certain Jacob Rubsammon, on the 21st of December, 1782, made an entry with the surveyor of Fayette county, for fifty thousand acres of land; that twenty thousand acres thereof, were withdrawn on the 11th of January, 1783, leaving a residue of thirty thousand acres; that the said Rubsammon, on the 24th of August, 1783, in consideration of one thousand pounds, Virginia currency, paid by Charles Lynch, sold to said Lynch ten thousand acres, out of the said thirty thousand acres; and by instrument of writing, executed by said Jacob, acknowledged such sale, and the receipt of the said consideration money.—That the said Charles Lynch did, by instrument of writing, executed by him on the 24th of May, 1795, assign all his right and title to the said ten thousand acres of land, to John Chiles, for value received; and that the said John Chiles did, by instrument of writing executed by him on the 13th of April, 1796, for value received, assign all his claim to the said ten thousand acres of land, to John Fowler.—That on the 18th of May, 1785, sixteen thousand, six hundred and fifty-two acres of land, were surveyed for the said Rubsammon, by virtue of the entry aforesaid, for the said thirty thousand acres; and the further quantity of thirteen hundred and ninety-eight acres of land, were surveyed for the said Rubsammon, by virtue of the said entry of thirty thousand acres, on the 21st of May, 1785—making in all eighteen thousand and fifty acres: and that the balance of said entry, has not been surveyed, being supposed

to interfere with better claims. That on the 29th of August, 1791, Harry Innes, as attorney in fact for Jacob Rubsammon did, by endorsement on the platt and certificate of survey, for the sixteen thousand, six hundred and fifty-two acres; assign unto George Caldwell one sixth part, and to William Kennedy one third part of the same; and that on the 29th of August, 1791, the said Harry Innes, as attorney in fact for the said Rubsammon did, by endorsement on the platt and certificate of survey for the thirteen hundred and ninety-eight acres of land, assign unto George Caldwell one sixth part, and to William Kennedy one third part of the same. That a patent issued by the commonwealth of Kentucky, for the said sixteen thousand, six hundred and fifty-two acres, on the 11th of January, 1795, to George Caldwell for two thousand, seven hundred and seventy-five and one third acres thereof—to William Kennedy for five thousand, five hundred and fifty and two third acres thereof, and to Jacob Rubsammon for eight thousand, three hundred and twenty-six acres thereof: and that a patent issued by the commonwealth of Kentucky for the thirteen hundred and ninety-eight acres, on the 11th of January, 1795, to Jacob Rubsammon for six hundred and ninety-nine acres thereof—to George Caldwell for two hundred and thirty-three acres thereof, and to William Kennedy for four hundred and sixty-six acres thereof.—And that the said Rubsammon departed this life, in or about the year 1792, before the emanation of the patents aforesaid, so that the said John Fowler has not obtained a deed for the interest which he is entitled to, in the lands patented as aforesaid.

And whereas it is further represented, that said Rubsammon died without any legal heir or representative in the United States of America, to whom the said land could descend; but that his legal heirs and representatives were at his death, natives and residents of Germany; whereby it is supposed this commonwealth may have a lien upon said land, by way of escheat, forfeiture or reversion: Wherefore,

Common  
wealth's right  
in certain  
lands granted  
to Fowler

duty of Camp  
bell circuit  
court

Powers

To appoint  
commissioners  
to convey land

Validity and  
effect of deed

Provide

Provide

**Sec. 1.** *Be it enacted by the general assembly of the Commonwealth of Kentucky,* That whatever right and claim may belong to, and vest in the commonwealth, to the land so claimed and sold, by the said Rubsammon, by escheat, forfeiture, or reversion, for want of a proper and legal heir at law or representative to the said Rubsammon, shall be, and the same is hereby granted to, and vested in, the said John Fowler, his heirs and assigns forever.

**SEC. 2.** *Be it further enacted,* That the circuit court of Campbell county, in which the lands patented as aforesaid, are situated, are hereby authorised and empowered, at any term of their circuit court, in the year 1811 or 1812, to receive by bill or petition, the proofs of the above named John Fowler, in the premises: and if the matters stated in the preamble herof, are maintained to the satisfaction of said court, then and in that case, the said court shall appoint three commissioners, who shall convey to the said John Fowler, pursuant to such order or decree as the court may make on the subject, by sufficient deed of conveyance, the interest that he is entitled to in the lands patented as aforesaid; which deed shall be recorded in the clerk's office of Campbell county: and such deed of conveyance, shall be as valid and effectual, as if the patents aforesaid, had issued in the lifetime of the said Rubsammon, and the said Rubsammon, after the issuing thereof, had conveyed by deed to the said John Fowler, the interest that he claims as aforesaid, and is entitled to in manner aforesaid, in the said lands patented as above mentioned: *Provided however,* that nothing herein contained, shall prejudice or affect the right or title of any person or persons having a better claim to the said premises, derived from the said Jacob Rubsammon, than the said John Fowler: And *provided also,* that said John Fowler shall give three months notice, in two news-papers printed in this state, of the time when application will be made to the circuit court aforesaid, to enable him to obtain the benefit of this act: And said court may make orders of survey, or other interlocutory order in the premises, and for good cause continue such

application from term to term, provided such continuance does not extend beyond the last term of said court held in the year 1812.

SEC. 3. *And be it further enacted,* That the said John Fowler shall be at liberty to introduce, before the said Campbell circuit court, in support of his claim aforesaid, parol testimony, as well as depositions : and the said court shall, by order entered on their records, direct the manner in which the said John Fowler shall take such depositions as he may deem necessary.

Fowler to introduce evidence in support of his claim to the land

## CHAPTER CCLXVIII.

### AN ACT

*For establishing a mutual ASSURANCE SOCIETY, against fire on buildings in this Commonwealth.*

APPROVED, JAN. 29, 1811.

**W**HEREAS from the great losses sustained by the ravages of fire, it is expedient to adopt some mode, to alleviate the calamities of the unfortunate, who may suffer by that destructive element :

Preamble

SEC. 1. *Be it therefore enacted by the General Assembly,* That an assurance be established in Lexington, to be called and known by the name of "The Kentucky Mutual Assurance Society, against Fire on buildings and property contained therein within this commonwealth"—the principles whereof shall be : That the citizens of this state, may insure their buildings and property, against losses and damages occasioned accidentally by fire ; and that the insured, pay the losses and expenses in proportion to the sum insured, by each member of the society ; And that subscriptions be opened under the direction of Alexander Parker, Henry Purviance, Thomas January, and Thomas T. Barr, in Lexington ; and under the direction of John Instone and Daniel Weisiger, in

Style of company

The object of the institution

Subscriptions to be opened under the direction of certain persons

Frankfort ; John Gwathmey and Thomas Prather, in Louisville ; James Smiley and William P. Duval, in Bardstown ; Richard Dallam and Amos Edwards, in Russellville ; David Bell, Daniel Mayo and Richard Davenport, in Dayville ; Benjamin Bayles and Adam Beatty, in Washington ; John Hickman and Valentine Peirs, in Paris ; Thomas C. Howard and William Irvine, in Richmond ; and in such other places as may be thought necessary, by a committee to be appointed at the first meeting of the members. As soon as the sum subscribed for, shall amount to *one million* Dollars, notice shall be given by advertisement, of a day fixed for the meeting of the subscribers in Lexington ; who may then meet either in person or by proxy, and conclude upon such bye-laws, rules and regulations, not repugnant to the constitution or laws of this state, or of the United States, as they, or a majority of the members present, may think best ; and shall then proceed to elect a president and twelve directors—any five of whom shall constitute a board, to transact the business of the society ; and thenceforth, they shall be considered as a body politic, incorporated by this act, under the denomination aforesaid : and by that name, shall have succession, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity, in this commonwealth or elsewhere ; and may buy and sell, do and execute, every other thing relative to the society. But none of the subscribers or their agents, shall be sued individually, for any thing that relates to the Assurance Society in general. They shall have power to lease or purchase ground, for the sole purpose of erecting an office or offices, and such other buildings as may be necessary for the institution. And whenever the said company shall acquire such sum of money, as should in their opinion, be rendered productive of profit, the same shall be employed in the purchase of stock in the Bank of Kentucky.

**Meeting of commissioners to be advertised**      \*The society, or a majority of those present at a general meeting, shall be at liberty from time to time to alter and amend the bye-laws, rules and regula-

**Members to make bye-laws and to elect president and directors**

**considered a body politic**

**Powers**

**Surplus of funds how appropriated**

**Power to alter and amend the bye-laws**

tions, as they may judge necessary. They shall agree upon certain premiums, or authorise the president and directors so to do, to be paid by the person or persons, who shall apply to have their property insured; which shall be deposited and kept as a fund, for the purpose of making immediate reparation to such persons as may sustain losses or damages by fire, after proof that the fire actually happened, unless it be proved that the proprietor of the buildings or property insured, did wilfully occasion the fire, directly or indirectly. If the funds should not be sufficient, a reparation among the whole of the persons insured shall be made; and each shall pay on demand of the cashier, his, her or their share, according to the sum insured, and the rate of hazard at which the buildings stand, agreeable to the rates of the premiums; for which purpose, it is hereby declared, that the subscribers, as soon as they shall insure their property in the assurance society aforesaid, do mutually for themselves, their heirs, executors, administrators and assigns, engage their property insured as security, and subject the same to be sold, if necessary, for the payment of such quotas.— That these quotas shall always be so rated, as to raise and keep up a fund, so that the interest thereof, may be deemed by the president and directors, sufficient to pay the annual losses and expenses. If such quotas are found necessary, the president is to publish in some news-paper, how much the quota is, of each rate of hazard for every hundred dollars,—whereupon the insured shall pay the same on application to the cashier, in whose office the property is insured. Whensoever any person or persons, shall neglect to pay such quotas, the assurance to him made, shall cease and discontinue, from the day on which they became due, until paid. To the end that purchasers, or mortgagees, of any property insured by virtue of this act, may not become losers thereby, the subscriber selling, mortgaging, or otherwise transferring such property shall, at the time, apprise the purchaser or mortgagee, of such assurance; and endorse to him or them, the policy thereof. And in every case of such change, the purchaser or mortga-

To agree up  
on certain pre  
miums

Funds how  
appropriated

Lien, upon  
property insu  
red for premi  
ums

Penalty on fail  
ing to pay  
quotas

Upon a trans  
fer of proper  
ty insured, no  
tice to be giv  
en transferred

gée, shall be considered as a subscriber in the room of the original ; and the property so sold, mortgaged, or otherwise transferred, shall still remain liable for the payment of the quotas, in the same manner, as if the right thereof, had remained in the original owner.

Interest to be paid by subscriber in ad

The subscriber in default of paying the premiums, at the times fixed therefor, shall, on request of the cashier, be compelled to pay the same with six per centum interest thereon to the day of payment ; and their property shall be liable to be sold for the same as aforesaid. *Provided*, that no lien shall be given by this act, to affect the rights of purchasers or mortgagees, without actual notice, unless the policy of insurance or assurance, shall have been previously recorded in the county court, in which the property insured or assured is situated.

Property insured may be withdrawn

SEC. 2. *Be it further enacted*, That any subscriber, purchaser or mortgager of property insured by virtue of this act, shall be at liberty, on application to the cashier in whose office the property is insured, to withdraw such insurance ; and the policy thereof to him or them, shall cease and discontinue, from the day on which application is made as aforesaid ; provided that notice thereof, shall be given, in writing to the cashier, three months at least previous to such application ; And, *provided also*, that the withdrawing such insurance, shall not release the property insured as aforesaid, from the payment of all such quotas as may be then due agreeably to the provisions of this act.

Notice to be given of intention to withdraw

Restricted from the exercise of Banking privileges

Powers retained by the Legislature.

Who considered members of the corporation

SEC. 3. *And be it further enacted*, That if the said society shall at any time, attempt to exercise banking privileges, or otherwise violate, the true intent and meaning of this act, the legislature shall have full power to repeal this act, or from time to time, to pass such amendatory acts as they shall deem right. No person shall be considered as a member of the corporation aforesaid until he shall actually have received his policy, and paid his premium thereon, except that for organizing the corporation, those who do annex their names to the subscription papers herein provided for, shall have power to vote at the first meeting of the society, and until policies are issued to the

amount of \$ 20,000 : and until policies to that amount are issued, no policy shall be considered as binding on the company. The commissioners appointed, or authorised to be appointed by this act, shall make return of their subscription papers, to Thomas T. Barr, Thomas January and Charles Wilkins, when they shall be called on therefor ; and the said Thomas T. Barr, Thomas January and Charles Wilkins, shall be authorised to advertise the first meeting of the subscribers, and to call other meetings until the corporation shall be organized. The bye-laws shall regulate the mode of voting, the number of votes which members of the corporation shall be entitled to, in proportion to the amount of their policies, and the manner of voting by proxy.

Subscription papers to whom return ed

first meeting to be advertised

Mode of voting to be regulated by bye laws

SEC. 4. *Be it further enacted*, That in fixing on the amount of premium, to be paid by the members of the said assurance society, a proper allowance shall be made between houses situated in the country and those in towns, in proportion as they are more or less exposed to the ravages of fire ; and a due regard shall be had to the materials of which houses to be insured are built, raising or lowering the premiums as they may be more or less subject to take fire.

Distinction in the rates of insurance, to be regulated by the relative situation of property

Sec. 5. *Be it further enacted*, That nothing in this act contained, shall authorise the establishment of a bank : nor shall said society issue any bills of credit, or any thing of the kind—nor shall they do any thing by any ways or means, to effect these objects. Their acts shall be confined to the insuring of houses only, as expressed in the act ; and no money paid in as premiums, shall be appropriated in any way, except as is contemplated by this act.

Further restrictions

CHAP. CCLXIX.

AN ACT

*Authorising Joseph Love and others to locate and survey Lands for Iron works.*

APPROVED, January 31, 1811.

WHEREAS Joseph Love, Jeremiah Stone, Absalom Thompson and John Smith, have discovered

## Preamble

ered a bank of iron ore in the county of Pulaski ; which if worked, would be of advantage to the community : But it being represented to the Legislature, that the title to said bank of iron ore is in the commonwealth : And whereas the said Joseph Love and others, have petitioned for a grant to two thousand acres of land, including said bank of iron ore, for the purpose of establishing iron works—Therefore;

2000 acres of  
land granted,  
and regulati-  
ons concern-  
ing it.

*BE it enacted by the general assembly,* That two thousand acres of land be granted to Joseph Love, Jeremiah Stone, Absalom Thompson and John Smith, in Pulaski county, including a bank of iron ore, said to be discovered by the said Joseph Love and others ; which said tract of land is granted to the before named persons, for the purpose of erecting iron works thereon, or making castings from the said bank of ore : and the said Joseph Love and others, may cause to be surveyed by a proper surveyor, and returned to the register's office as in other cases, a platt, of said survey, which shall not exceed one third more in the length than the breadth ; and shall not interfere with any other survey, or patented land ; nor with any other actual settler or settlement, although the same may not be legally appropriated according to law : and the said Joseph Love and others shall, within six years, pay into the treasury of the commonwealth, ten dollars per hundred acres ; and upon producing to the register of the land office, the auditor's quietus for the treasurer's receipt, for the sum aforesaid, the register shall issue a grant, as in other cases of a like nature, to the said Love and others : *Provided,* the said Love and others, making the said survey, shall not include therein any lead or silver mine ; and shall moreover, erect, or cause to be erected, within four years, iron works of the usual dimensions, and put the same into actual operation, as is customary at iron works—otherwise, the land aforesaid, shall revert back to the commonwealth.

CHAPTER CCLXX.

AN ACT

*Granting certain Lands to John Francis and Richard Slavey, for the benefit of Salt-works.*

APPROVED, JANUARY 31, 1811.

**W**HEREAS, it is represented to the present general assembly, By the petition of John Francis and Richard Slavey of the county of Wayne, that they have discovered a salt spring in said county, on waste and unappropriated land, which water if worked, might be of great public utility :

Preamble

SEC. 1. *BE it therefore enacted by the General Assembly of the commonwealth of Kentucky,* That one thousand acres of land, to include the salt water be, and the same is hereby granted to the said John Francis and Richard Slavey—subject however, to the conditions and restrictions herein after provided.

1000 acres of land granted

SEC. 2. *Be it further enacted,* That it shall and may be lawful, for the said John Francis and Richard Slavey, to enter with the surveyor of the said county of Wayne, the said one thousand acres of land, to include the said salt water, near to which the said Richard Slavey now lives, and also to include the mouth of Bear creek : but which one thousand acres of land, so to be entered, shall not in length exceed its breadth more than one third ; upon which entry a survey may be made, and returned to the register's office, as in other cases.

To be entered with the surveyor of Wayne, and how

SEC. 3. *Be it further enacted,* That no grant shall be issued by the register of the land office for the said Francis and Slavey, their heirs or assigns, until they, or one of them, shall prove to the county or circuit court of Wayne, that they have manufactured, or caused to be manufactured of the salt water on said land, at least one thousand bushels of salt ; and if the said Francis and Slavey, their heirs or assigns, shall fail to make the said proof to one or the other of

No grant to issue until a certain quantity of salt be made

the said courts, within three years after the passage of this act, all right, title and claim derived under this act, shall be null and void to all intents and purposes.

when register  
may issue  
grant

Sec. 4. *Be it further enacted*, That on a certificate being produced to the register, as 'provided in the third section of this act, and within the time therein prescribed, together with the auditor's quietus for the treasurer's receipt for ten dollars per hundred acres therefor, the register shall issue a grant as in other cases: *Provided however*, that in the entry of the said land, the said Francis and Slavey shall not be at liberty to interfere with any actual settlement, with two hundred acres of land around the same, including the settlement in the centre, nor to include therein any iron, lead or silver ore.

Title not to  
be transferred

Sec. 5. *Be it further enacted*, That if the said John Francis and Richard Slavey, their heirs or assigns, do, at any time, transfer any right, title or claim to the aforesaid land and salt water, which they may have derived under the provisions of this act, or make any contract whatever, which in effect, will operate so as to aid in any respect a monopoly of the business of salt making, shall forfeit all right, title and claim to the aforesaid land and salt water, and the same shall revert to the commonwealth.

## CHAP. CCLXXI.

### AN ACT

*To amend the act for the appropriation of Lands acquired by the treaty of Tellico.*

APPROVED, Jan. 31, 1811.

Directions to  
persons pay-  
ing money

Sec. 1. **B**E it enacted by the general assembly, That each and every person or persons, who may hereafter pay into the treasury any money, under the provisions of the said recited act, shall first apply to the auditor with a certificate

from the register, of the quantity of land about to be paid for, and the auditor shall thereupon certify to the treasurer, the amount to be paid thereon, and debit the treasurer for such amount as in other cases.

Sec. 2. *Be it further enacted*, That for all monies paid under the said recited act, prior to the passage of this act, the treasurer shall make a statement on oath, before some justice of the peace for Franklin county, and deliver the same to the auditor, who shall debit the same against the treasurer.

Treasurer's  
duty

Sec. 3. *Be it further enacted*, That the whole amount of the monies now due, and to become due this commonwealth, for any tract of land, acquired under and by virtue of the provisions of the said recited act, shall be discharged in four equal annual instalments; the first to be paid on the first day of January next, and on that day in every succeeding year, until the whole shall be paid in the term aforesaid: *Provided however*, that the commonwealth shall be entitled to an interest of six per cent. per annum, on the principal now due for said lands, until the same shall be paid into the public treasury.

Instalments &  
interest how  
regulated

Sec. 4. *Be it further enacted*, That if any instalment hereby allowed, on any tract of land acquired as aforesaid, shall not be paid on or before the first day of January next, and on that day annually thereafter, the lands upon which such instalment shall not be paid as aforesaid, shall be exposed to sale under the same laws and regulations, which are now in force relative to the sale of head-right lands in this commonwealth.

Respecting  
sales

Sec. 5. *Be it further enacted*, That it shall be the duty of the clerk of the circuit court, where certificates have, or may be granted, to transmit the same to the auditor of public accounts, on or before the first day of November next, and every succeeding November: and said auditor shall, on or before the 15th day of December ensuing, make out and furnish the register, with an account of the claims granted by the respective circuit courts; and it shall be the duty of the register, to proceed to sell all lands subject to sale by the fourth section of this act; which shall be exposed for sale by the register, at the state-

Clerks and  
auditor their  
duty

Sales by re-  
gister

Clerk's com-  
pensation

house door, on the second day of January next, and every succeeding second day of January.

SEC. 6. *Be it further enacted*, That the clerks shall have the same compensation, for making out and transmitting to the auditor, the respective certificates, granted to the settlers in the tract of country acquired by the treaty of Tellico, which the clerks of the county courts were allowed for transmitting to the auditor, the certificates of claims granted to the settlers in this commonwealth by the county courts,

CHAP. CCLXXII,

AN ACT

*For the relief of* REUBEN STEIVIS,

APPROVED, JAN. 31, 1841,

**W**HEREAS Reuben Steivis furnished two drums for the use of the eighth regiment, in the year one thousand, seven hundred and ninety-two, at which time the law authorised their being paid for out of the public treasury : for that purpose the certificates were put into the hands of the sheriff, for the purpose of drawing it ; but was mislaid for a considerable time ; in which time the law was repealed, authorising the money to be paid out of the public treasury.—Therefore,

*BE it enacted by the general assembly of the commonwealth of Kentucky*, That the auditor of public accounts, is authorised to issue his warrant in favor of said Steivis, on the public treasury, for sixteen dollars and sixty-six cents.

CHAP. CCLXXIII.

AN ACT

*To amend an act to regulate proceedings in suits at Law and in Chancery.*

APPROVED, January 30, 1811.

**W**HEREAS many of the good people of this commonwealth are liable to be injured in suits at common law and chancery, owing to the intricacy of the English practice pursued in courts within this commonwealth—For remedy whereof,

Preamble

Sec. 1: *Be it enacted by the general assembly of the commonwealth of Kentucky,* That in suits at common law, the plaintiff shall state in substance, in his declaration, what he claims of the defendant; and the defendant shall state in substance, what he intends to rely on in his defence; and neither of the parties shall be bound to any particular formality in pleading by averment or otherwise, provided the parties have stated their cases so plain that a fair trial can be had on the merits of the cause; and whenever more is claimed by either than shall be supported by evidence, so much only as may be thus supported, shall be good: And no fact tried by a jury shall be otherwise re-examined in any court, than according to the rules of the common law.

Common law suits how proceeded in

Pleadings

Sec. 2. *Be it further enacted,* That in chancery causes, a bill and answer, stating the points relied on by each party sufficiently plain to be understood, time being given agreeably to law for proof to be adduced, shall be deemed sufficient to try the cause on the merits, notwithstanding no replication or other plea put in, or steps taken, others than orders of court for any matter proper for bringing in testimony before trial shall be had. Answers may state interrogatories to the complainant, and may make it answer as a cross bill, if he choose so to do; and the court shall not require either of the parties to take any other steps, or put in any other plea, provided the cause can be fairly tried on its merits.

In chancery

Answers

Suits not affected by informality

Exceptions.

Substance of the demand sufficient to bar a nonsuit

Demurrer to pleadings shall not be sustained

Exceptions

Defective pleadings may be amended

Continuances may be granted

Oath of the Jury

Continuances

Sec. 3. In all cases where any suit has or may be brought, in any court of record within this commonwealth, the same shall not be set aside for informality, if it appears that the process has issued in the name of the commonwealth of Kentucky against the defendant or defendants, for money or property owing or due, or for damages by trespass, or otherwise, as the case may be; and that said process was served on the defendant or defendants, by the proper officer, in due time; but if it shall appear, that said process was not served in the time prescribed by law to enable the parties to have a trial, the suit shall be tried at the succeeding term, unless for good cause shewn, either party shall have a continuance—Nor shall any plaintiff be non-suited for any statement in his declaration, provided it substantially contains a good cause of action against the defendant or defendants, and the substance thereof is supported by evidence. Nor shall any demurrer, either general or special, be sustained, when offered by either plaintiff or defendant, to any part of the pleadings, provided the statements contained in said pleadings, substantially apprise the adverse party of the point or points intended to be relied on, and amount to a substantial cause of action or defence, as the case may be; but in all cases where the court is of opinion, that the parties cannot proceed to a fair trial on the merits of the cause, from a defect in the pleadings, either party may be allowed to amend, and if by such amendment, the adverse party is taken by surprise, the trial shall at his request, be continued to the next term, at the cost of the party in default. And the oath and affirmation, to be administered to the jury, shall be in the form following, to wit: "You, and each of you, do swear or affirm (as the case may be) that you will well and truly try the issue joined, between C. D. plaintiff, and E. F. defendant, and a true verdict give, according to evidence, unless dismissed by the court, or withdrawn by the parties."

Sec. 4. And all courts at common law and chancery, in civil cases, shall grant continuances for good causes shewn; and shall pay due regard to the provisions of this act, any thing to the contrary notwithstanding.

CHAP. CCLXXIV.

AN ACT

*To amend the act altering the mode of taking in lists of Taxable Property.*

APPROVED, January 30, 1811.

SECT. 1. **B**E it enacted by the General Assembly of the commonwealth of Kentucky,

That persons not bound to perform military duty, shall not be bound to attend muster for the purpose of giving in lists of their taxable property; but such persons shall, in every year, make out their lists of taxable property, and of persons they are bound to pay taxes for, and make the oath required by law in that respect, before some justice of the peace, and shall transmit it to the commissioner of their districts respectively, or shall give in their lists respectively, to the proper commissioner: the person or persons so complying, on or before the first day of August, in each or any year, shall be exempt from the penalties for not attending to give a list of persons and property, subject to taxation in that year. Any other person who may have failed to attend muster, for the purpose of giving in his list, may in like manner be exempt from the penalties therefor, by complying with the provisions of the preceding section, by the time therein mentioned. The commissioners shall have power to make personal application to persons within his district, for their lists of property subject to taxation, at any place within their respective counties. Where any captain's company is, or shall be divided by a county line, the county courts respectively, shall appoint commissioners in such sections of companies, as are within their respective counties. Each county court clerk shall make out three alphabetical books, of all persons and property subject to taxation, returned to him by the commissioners; one

Persons not bound to perform military duty, excused from attending musters to list their property

may send their lists on oath

when

Other persons failing, may send their lists

when

Commissioners may apply for lists

Provisions where a company lies in two counties. Clerk to make out 3 books

disposition thereof

To give copies thereof

Penalty on clerks

how recovered

Courts may make a second appointment

of which he shall transmit to the auditor of public accounts, by the tenth day of December in each year; one other he shall deliver to the sheriff on request; the third he shall carefully preserve in his office, which shall be open to the inspection of every person, and shall give out copies thereof, or of any part thereof, to any person requiring: If any clerk shall fail to perform any of the duties enjoined upon him by this act, he shall forfeit and pay the sum of two hundred dollars, to be recovered as the other penalties in the act to which this is a supplement.

SEC. 2. And where from any cause whatever, any commissioner shall fail to proceed to discharge the duties enjoined on him by law, by the first day of August, the county courts shall, at their next court, appoint some other fit person, who shall thereupon proceed to take in the list in his said district, giving at least fifteen days notice in writing, at three of the most public places in his district, of the time and place he will attend for that purpose.

clerks to make out copies of orders of appointment. Duty of sheriff

SEC. 3. That the several clerks shall, within five days after appointment of commissioners, make out two copies of each appointment, and the sheriffs of the respective counties shall, within fifteen days thereafter apply therefor; and shall, within fifteen days, deliver ex-officio, one of said copies to the person so appointed, and shall return the other to the clerk's office, with an endorsement thereon, of the time he served the same. And each sheriff or clerk, failing to perform the duties hereby enjoined on them, shall be subject to a fine of ten dollars, in addition to the fine now imposed by law.

penalty on sheriff's failing to do his duty

How fines recovered

SEC. 4. That all fines imposed by this act, or the act to which this is a supplement, shall be recovered by motion before the county court, ten days notice being previously given to the party, of such intended motion; and all fines collected on any such motion, shall be applied towards lessening the county levy.

How applied

Courts to see this act carried into operation

And it shall be the duty of the several county courts within this commonwealth, to see that this act, and the act to which this is a supplement, is put into complete operation, and all delinquencies duly punished.

SEC. 5. *Be it further enacted,* That it shall be the duty of the commissioners of tax, for the year 1811, to take an accurate account in his book, of every white male inhabitant above the age of twenty-one years, in their several districts, and on every four years thereafter, for the purpose of enabling the legislature to apportion the representation in this commonwealth.

Commission  
erst to note the  
No. of voters

SEC. 6. The persons performing the duties of a commissioner, shall be exempt from serving on juries, working on roads, from fine for not attending masters, for one year next succeeding the the appointment; but shall not be exempt from performing a tour of duty, if drafted or called into actual service.

Commission  
ers exempt  
from certain  
services

SEC. 7. Any commissioner failing to perform the duties according to his appointment, without reasonable excuse, shall be fined in any sum not exceeding sixty dollars, to be recovered as directed by the act to which this is an amendment;

Penalty on  
commission  
ers for a fail  
ure of duty

SEC. 8. And whereas, many persons have neglected to give in their lists of taxable property, to the commissioners for the last year—

How omissi-  
ons of last  
year may be  
supplied

*Be it enacted,* That it shall be the duty of all such, to supply such omissions, by giving in a list of their taxable property, for the last year, at the time they may give in their lists for the present year: and any person failing so to do, shall be subject to the penalties inflicted by law, for failing to give in their lists of taxable property.

Penalty

SEC. 9. That all persons belonging to volunteer companies or corps, shall give in their lists of property and persons subject to taxation, to the commissioner for that militia captain's company, within which they may respectively reside.

With whom  
certain per  
sons to list  
their property

So much of any act as comes within the purview hereof, is hereby repealed,

CHAP. CCLXXV.

AN ACT

*Concerning Executions.*

APPROVED, Jan. 31, 1811.

**B**E it enacted by the general assembly of the Commonwealth of Kentucky, That where any obligor, obligors, or either of them; obligee, obligees, or either of them, in any replevin bond, taken on execution, or on any bond taken by any lawful officer for sale of land, at three months credit, shall now be dead, or may hereafter die, before satisfaction, execution or executions may be sued out on any such bond, in the name of the surviving obligee or obligees, or against the surviving obligor or obligors, as the case may be, without suing out a writ of *scire facias*, or other dilatory proceeding.

CHAP. CCLXXVI.

AN ACT

*To appoint Managers on the Turnpike and Wilderness Road, and for other purposes.*

APPROVED, January 31, 1811.

Preamble

**W**HEREAS, it is represented to the present general assembly, that the law which passed at the December session, 1807, authorising the governor to appoint directors on the turnpike and wilderness road, ought to be amended inasmuch as one of the said directors has resigned, and another being absent from the state, has rendered their operations ineffectual—Wherefore,

Sec. 1. *Be it enacted by the general assembly of the*

*Commonwealth of Kentucky*, That Andrew Craig, from the county of Knox ; John Burditt, from the county of Rockcastle, and Robert Caldwell, from the county of Madison, be, and they are hereby appointed managers of the turnpike and wilderness road ; whose duty it shall be, to call on Christopher Durbin, former keeper, and John Reid, present keeper of the turnpike, for a correct statement of all the monies by them received, during the time each of them were keeper of the said turnpike : and it shall be the duty of the said Durbin and Reid, to make such statement on oath, before some justice of the peace, in order that the aforesaid managers, may be enabled to make a correct settlement with the former directors.

Managers appointed

their duty

duty of former & present keeper

Sec. 2. *And be it further enacted*, That it shall be the duty of Andrew Craig and John Burditt, or their successors to make a full and complete settlement with Joseph Welsh, Robert Caldwell and Nathaniel Rochester, esquires, present directors of the turnpike and wilderness road, on or before the first day of May next : and all monies upon such settlement, which shall be found in the hands of either of said directors, appertaining to the said institution, shall be immediately paid over into the hands of the aforesaid managers.

managers to settle with the present directors

when

money due to be paid the present managers

SEC. 3. *And be it further enacted*, That it shall be the duty of the said managers, or any two of them concurring therein, to appoint from time to time, a sufficient number of commissioners, to work and keep said road in the best possible repair, under the same laws and regulations, as are now in force relative to the said turnpike and wilderness road ; but said managers shall be vested with the power of dismissing said commissioners, and appointing others in their stead, for a neglect of their duty : And it shall be the duty of the aforesaid managers, to examine the work which shall be patronized by the said commissioners.

duty & powers

SEC. 4. *Be it further enacted*, That the said managers shall have the same power, which is now by law given to the directors of said road, in performing the duties assigned them, in appropriating the money collected at the said turnpike for the use of

Their pay

said road ; and the said managers shall be entitled to one dollar, twenty-five cents per day, for each day's service which they may render under the directions of this act : *Provided however*, that they shall first make oath before some justice of the peace, stating the number of days they shall have been employed in carrying this act into effect ; which affidavit shall annually be forwarded, together with a statement of all the monies received by them from the turnpike, and laid out for the repair of said road, a full and complete statement of which, shall be transmitted annually, on or before the 25th day of December, to the governor.

Provide

managers to enter into bond and security

Condition

To take an oath

Managers to build or purchase a bridge over Big Laurel river—

how to be paid for

county court to appoint managers in certain cases

Sec. 5. *Be it further enacted*, That it shall be the duty of each of the aforesaid managers, before he enters on the duties of his office, to enter into bond in each of their respective county courts, in the sum of one thousand dollars each, with such security as said county court shall think proper, for the true performance of the duties enjoined by this act.

Which bond shall be made payable to the commonwealth ; and to be void upon conditions, that the aforesaid managers shall account for all monies received by them, from the keeper or keepers of the turnpike, or the directors now in office.

Sec. 6. *Be it further enacted*, That it shall be the duty of the aforesaid managers, before they enter upon the duties of their office, to take an oath before some justice of the peace, in their respective counties, that they will faithfully discharge the duties enjoined on them by the before recited act.

Sec. 7. *Be it further enacted*, That it shall and may be lawful, for the aforesaid managers, so soon as they can, after the passage of this act, either to build a bridge across big Laurel river, on the wilderness road, or purchase one that is built, belonging to Isham Farris, which to them may appear most advantageous for the benefit of the institution, and good of the public, and pay the same out of the money arising from said turnpike gate.

Sec. 8. *And be it further enacted*, That if any of the within mentioned managers, should resign, die, remove from the county, or refuse to qualify, agree

able to the provisions of this act, the county court wherein he shall have been so appointed, shall proceed to appoint some fit person, to fill his place : *Provided however*, that the managers herein named, shall have no power to remove or change said wilderness road, from the place where it now runs, except for the purpose of making said road on better ground than it was before, and not farther than three hundred yards at any one place, without concurrence of the whole of said managers ; and then it shall be given in writing to the commissioners, the place where he shall leave the present road, and where he shall come in again : and the managers herein mentioned, shall have full power, to call on any or all of the former commissioners, if they shall think proper, for a fair settlement of their accounts ; and if there should appear any balance due, from any or either of said former commissioners, or either of the former gate keepers, in favor of the commonwealth, they shall appropriate the same to the use of said road.

Sec. 9. *Be it further enacted*, That the said managers are hereby authorised, to sue in the name of the commonwealth, any person or persons who shall fail to pay over to them, all money or monies which may be in their hands, collected from the turnpike aforesaid.

Sec. 10. *And be it further enacted*, That it shall and may be lawful for the keeper of the turnpike, to administer an oath to any person claiming the benefit of the law, exempting the citizens of Knox county from paying toll at said turnpike,

Sec. 11. *And be it further enacted*. That the keeper of the turnpike, be allowed fifty dollars in addition to his present salary.

So much of every act as contains provisions contrary to this act, shall be, and are hereby repealed.

Provide

managers may bring suit

keeper of turnpike may administer oath

keeper's salary

CHAP. CCLXXVII.

AN ACT

*To amend the laws now in force, directing the mode of summoning and impanelling grand juries.*

APPROVED, JAN. 31, 1811.

Courts power  
to have a  
grand jury  
summoned du-  
ring term  
time

To order the  
sheriff to sum-  
mon G. jury

sheriff's duty

powers of G.  
jury

Validity of  
their proceed-  
ings

Sec. 1. **B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That where the grand jury which may be summoned to attend any of the circuit courts in this commonwealth, shall be discharged, and the said court at any time thereafter, during their said term, shall think it necessary to have impanelled, another grand jury, they shall have power and authority to do so; and for that purpose shall enter an order on record, directing the sheriff to summon a sufficient number of qualified persons, to constitute a grand jury, to meet and attend at such time as the court shall direct: upon which said order, the sheriff shall proceed immediately to summon a grand jury, to meet at the time directed by said order of court; which said grand jury so summoned, being duly impanelled, shall have all the powers, and be subject and governed by the same rules, regulations and laws, as grand juries heretofore have been; and their proceedings shall be as effectual and binding, to all intents and purposes, as though done by a grand jury, summoned under the laws now in force.



CHAP. CCLXXVIII.

AN ACT

*Increasing the power of the County Court of Fayette, in laying their Levy.*

APPROVED, JAN. 31, 1811.

Sec. 1. **B**E it enacted by the general assembly of the commonwealth of Kentucky, That

It may be lawful for the county court of Fayette, if two thirds of all the justices in said county shall deem it expedient, and concur therein, at their March or April terms next, and at the laying the county levy in each year thereafter, to lay a levy of two dollars, upon each and every dog above two, kept or permitted to be kept upon any farm or plantation, or above one, kept or permitted to be kept about any house or lot, in any town in said county, to be paid by the owners or occupiers of such farm, plantation, house or lot, and to be collected, accounted for and disposed of, in like manner as other county levies now are.

Power of the county court to lay levy on dogs.

how collected and accounted for

Owners of dogs to deliver in list of all dogs above two to commissioner of the tax

penalty for failing

duty of the commissioner

duty of clerk

Tanners and Butchers allowed to keep four dogs

Sec. 2. *Be it further enacted*, That it shall be the duty of the owner or occupier of any such farm, plantation, house or lot, about or on which, any dog or dogs kept, or permitted to be kept, above the number before recited, to deliver a list of all such dog or dogs, above the number permitted to be kept, to the commissioners for taking in taxable property, at the same time, under the same regulations and penalties, as other taxable property is listed in this commonwealth.

Sec. 3. *Be it further enacted*, That it shall be the duty of the commissioners for taking lists of taxable property, in the county aforesaid, to return a list of all such dogs, at the time, and under the same regulations as other taxable property is returned; and it shall be the duty of the clerk to have, in such copies of the books as are made out for the use of the county, distinct columns, in which shall be listed, opposite the names of the owners, the number of dogs returned by each person under this act.

Sec. 4. *Be it further enacted*, That every Tanner and Butcher in said county, may be permitted to own any number of dogs not exceeding four, and shall not be liable to the tax imposed by this act, upon said number four.

## CHAP. CCLXXIX.

## AN ACT

## To amend the MILITIA LAWS:

APPROVED, January 31, 1811:

## Preamble

duty of brigadier general to give notice of muster

Commandants of regiments to give notices

commandants of battalions' duty.

Duty of captains  
Sergeant's duty  
Proviso

Captain to administer an oath to his sergeants

Duty of captains of companies

To appoint sergeants.

Penalty for persons refusing to serve when appointed.

Eldst capt. to preside at

**W**HEREAS the militia laws are yet defective : Therefore for remedy whereof,

*BE it enacted by the general assembly of the commonwealth of Kentucky,* That it shall be the duty of the brigadier general, to give written notices of the regimental and battalion musters as heretofore, on or before the first day of February in each year ; and the commandants of regiments shall, on or before the fifteenth of said month, give similar notices to the commandants of battalions ; who shall, on or before the first day of March, deliver similar notices to the commandants of companies ; who shall on or before the fifteenth of March, deliver a notice as is at present directed, to their sergeants, who shall serve the same on or before the first day of April, in the same manner, as at present : *provided* in all cases hereafter, where any private has three days notice of any muster, it shall be deemed lawful ; but any neglect of duty in the time or manner of giving the notices as above, shall be subject to the same fines and penalties as heretofore.

*Sec. 2. Be it further enacted,* That the commandant of companies, shall administer the oath to his sergeants, as to their having notified the privates to musters and courts, for the assessment of fines.

*Sec. 3. Be it further enacted,* That it shall be the duty of the commandant of companies, to appoint his sergeants annually, at his April muster ; and any non-commissioned officer refusing to serve when appointed, and duly notified thereof, shall be fined four dollars, by the court of assessment.

*Sec. 4. Be it further enacted,* That in case a field officer from accident, does not attend the courts for assessment of fines, the eldest captain present, shall

preside. And on the trial of any officer or officers, before any courts martial, the accused shall not have it in his power, to object to the president of the court.

Sec. 5. *Be it further enacted*, That there shall be a sergeant major to each regiment, whose duty it shall be, to keep a regular roll of the sergeants, attend to the exercise of the men when so required ;— and when any sergeant major shall neglect his duty, he shall be fined any sum not more than six, nor less than one dollar : and any sergeant or corporal, for neglect of duty, shall be fined not less than one dollar, or more than four dollars.

Sec. 6. *Be it further enacted*, That each messenger appointed by any brigadier general, to carry orders or notices of musters, shall be exempt from fine for not mustering for one year.

Sec. 7. *Be it further enacted*, That the commandant of companies shall, at their last muster in each year, make a public proclamation of all delinquents, which he is about to return to the court of assessment, which shall be considered as sufficient notice of the sitting of such court.

Sec. 3. *Be it further enacted*, That the residence of every militia man in this state, shall be considered the place where he has his lodging.

Sec. 9. *Be it further enacted*, That any sergeant, or other non-commissioned officer, failing to attend any muster, shall be fined any sum not less than one dollar and fifty cents, nor more than four dollars.

Sec. 10. *Be it further enacted*, That the president, cashier and clerks, in the bank of Kentucky, and its branches, shall be exempt from fines for not mustering.

Sec. 11. *Be it further enacted*, That the first section of this act, shall not be in force until the first day of August next.

Sec. 12. *And be it further enacted*, That it shall be the duty of the commanding officer of squadrons, to attend at least one of the company musters of each troop every year, to superintend and direct the exercise and discipline.

Sec. 13. The commanding officer of squadrons,

courts of as-  
sessment in  
certain cases

Sergeant ma-  
jor to be ap-  
pointed

His duty  
Penalty for ne-  
glect of duty

Penalty on  
sergeants and  
corporals for  
neglect of du-  
ty.

Messengers of  
brigadier gen-  
eral exempt  
from muster

Proclamation  
of delinquents  
to be made  
each year

To be consid-  
ered as suffici-  
ent notice of  
court of as-  
sessment

Residence.

Penalty on  
non-commis-  
sioned officer's  
failing to at-  
tend muster.  
President and  
clks. of banks  
exempted.

Commence-  
ment of first  
section of this  
act.

Duty of com-  
manding offi-  
cer of squad-  
ron.

Convene his  
squadrons  
once a year

shall convene their squadrons once a year, at whatever time the commanding officer of the brigade shall designate, for the purpose of exercise, &c.

Court of ap-  
peals to be  
held every  
year  
How compo-  
sed—  
Power

Sec. 14 There shall be court of appeals, held on the first Monday in December, in each year, at some convenient place within the bounds of the squadron; which court shall be composed of at least two captains and three subalterns, and have power to try all cases where officers are fined, and appeals from the company court of assessment.

company Ct.  
power

Sec. 15: There shall be a company court for the assessment of fines on the last Monday in November, to try all delinquencies in each company, which shall be composed of the commissioned officers of each company, three at least being present, who shall keep a record of their proceedings, and transmit to the court of appeals a list of all fines by them assessed for their confirmation; they shall appoint a judge advocate *pro tem.* and be governed by the same rules and regulations as other courts of assessment are.

duty

To appoint a  
judge advo-  
cate, &c.

Sec. 16: There shall be a judge advocate appointed by the squadron court of appeals, who shall take the same oaths, and be governed by the same rules as infantry courts of assessment are.

Squadron Ct.  
to appoint  
judge advo-  
cate.  
Government.

duty of judge  
advocate

Sec. 17. A certified list of all fines assessed by, and confirmed by the squadron court of assessment and appeals, shall be made out for each company by the judge advocate, and put into the hands of the sheriffs of the county in which said company lies, on or before the first of March in each year, which shall be collected and accounted for, and applied to the use of each troop respectively.

Fines how re-  
covered, col-  
lected and ap-  
plied

Vacancies  
how filled.

Sec. 18. At any time when vacancies may happen in any of the officers commanding the troops, the commanding officer of the squadron, shall summon four of the commissioned officers, two of whom being captains for the purpose of nominating proper persons to fill vacancies, as in other cases of the militia.

Commanding  
officer may  
order courts  
martial to try  
officers.  
how composed

Sec. 19. Courts martial shall be appointed by the commanding officer of squadrons to try all officers in the squadron, which shall be composed of five commissioned officers, two of whom being captains; but

when a sufficient number of captains in the squadron, Their rests & cannot be summoned, others shall be summoned government from the line of infantry, and be governed by the same rules as other courts martial are.

CHAP. CCLXXX.

AN ACT

*To amend the law respecting Executors, Administrators, and Heirs.*

APPROVED, JAN. 31, 1811.

Sec. 1. **B**E it enacted by the general assembly of the commonwealth of Kentucky, Executors or adm'rs only liable for the amount of assets

That hereafter no executor or executors, administrator or administrators, shall be made liable for more than the amount of assets, which have come, or may come into his, her or their hands, to be administered, or on account of having failed to plead or make defence, or on account of any plea or pleas; which he, she or they have heretofore, or may hereafter plead, to any suit or action whatever, determined, brought or to be brought, or prosecuted against him, her or them, or either of them; but the judgment of the court in all such cases, shall only render such executor or executors, administrator or administrators, liable for the amount of assets in his, her or their hands unadministered. And in all suits against such executor or executors, administrator or administrators, on their bonds or otherwise, for *devastavit*, he, she or they shall be at liberty to plead *plene administravit*; and under such plea, shall be at liberty to shew the real amount of assets, which were in his, her or their hands, unadministered, when the original judgment was rendered against him, her or them; for which sum judgment may be rendered, and for no more: *Provided however*, that if any

Same, and  
costs upon a  
second suit.

executor or administrator, shall suffer judgment to go against them by default, or shall fail or neglect to shew the real amount of assets in their hands. unadministered, by which judgment shall pass against them for more than the amount of such assets, and shall afterwards, when sued for a *devastavit*, on his, her or their bond, or otherwise, shew that they have not assets sufficient to pay the plaintiff's demand, it shall and may be lawful, for the court to adjudge the costs of such second suit, to be paid by such defendant or defendants, out of his, her or their own proper goods and chattels.

Suits not to  
be instituted  
vs. ex'ors or  
adm'rs, until  
six months  
after qualifi-  
cation

SEC. 2. *And be it further enacted*, That no suit shall hereafter be brought, nor any *scire facias* sued out against any executor or executors, administrator or administrators, until six months after he, she or they have qualified according to law : and if any suit shall be brought, or any *scire facias* sued out hereafter, contrary to the provisions of this act, it shall be the duty of the court in which such suit is depending, or to which such *scire facias* shall be returned, to dismiss the same on motion, without notice : *Provided however*, that nothing herein contained, shall be so construed, as to exempt any executor *de son tort*, from being sued immediately.

Suits brought  
contrary here  
to, to be dis-  
missed

Executors *de  
son tort* excep-  
ted

Ex'ors or ad-  
m'rs not to  
confess judg-  
ment in a giv-  
en time

SEC. 3. *And be it further enacted*, That no executor or administrator shall be permitted, within such term of six months, after he, she or they may have qualified as such, to confess any judgment or judgments, so as to give to any claim or claims, a superior dignity to any other claim or claims, against the estate of their testator or intestate.

Provisions of  
the act exten-  
ded to heirs

SEC. 4. *And be it further enacted*, That the heir or heirs of a deceased person, shall be entitled to receive the benefit of all and every of the provisions aforesaid, relating to executors and administrators, as far as the same are applicable:

CHAPTER CCLXXXI.

AN ACT

*Allowing an additional number of justices of the peace in certain counties in this commonwealth.*

APPROVED, Jan. 31, 1811.

SEC. 1. **BE** it enacted by the General Assembly, That the counties herein after named, shall be entitled to the following number of justices of the peace, in addition to the number heretofore allowed by law :

The county of Jessamine one ; Muhlenberg two ; Woodford one ; Cumberland one ; Logan two ; Hardin one ; Warren four ; Shelby two ; Caldwell one ; Clay one ; Jefferson four, two of whom shall reside in the town of Louisville ; the county of Butler two ; Green one ; Breckenridge two ; Ohio two ; Bullitt one ; Harrison one ; Clarke one ; Nelson one.

SEC. 2. *And be it further enacted,* That the county of Union be entitled to ten justices of the peace ; and the county of Bath eleven justices of the peace, being the number for each county now necessary.

CHAP. CCLXXXII.

AN ACT

*To amend the laws in force in this commonwealth, authorizing proceedings by distress for rent.*

APPROVED, JANUARY 31, 1811.

SEC. 1. **BE** it enacted by the General Assembly of the commonwealth of Kentucky, That

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landlords restrained from issuing their own warrants | when any landlord shall wish to distrain on his tenant, or on any person claiming and occupying under him, he shall not be permitted to issue his own warrant, but shall go before some justice of the peace for the county in which the land lies, and shall make oath to the amount of rent due him and in arrear, from the person on whom he intends to make distress. Whereupon, it shall be lawful, for the justice to issue his warrant of distress in favor of the said landlord, and shall be directed to the sheriff, or some constable of the county in which the land lies : by virtue of which warrant, the said sheriff or constable, shall be authorised, and is hereby required to distrain on the goods, chattels and slaves of the said tenant ; or of any under tenant, claiming and occupying said land, either directly or indirectly, under said tenant, for the amount due such landlord, and such other sum as will be sufficient to cover all legal costs, interest and charges : <i>Provided however,</i> that if the tenant has removed himself and property out of the county where the land lies, then and in that case the said warrant of distress may be directed to, and executed by any sheriff or constable of the county to which such tenant has removed his or her property. |
| To be issued by a justice of the peace               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| To whom directed                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| On what to be levied                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Provision where tenant has removed                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Whose property liable to distress                    | Sec. 2. <i>Be it further enacted,</i> That no property shall hereafter be liable to be distrained for rent, unless the same shall belong to the person or persons against whom the distress warrant issued, or to some sub-tenant on the land leased or rented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Penalty upon failure in an action of replevin        | Sec. 3. <i>And be it further enacted,</i> That when any person or persons shall hereafter sue out, or prosecute any writ of replevin, he, she or they suing out such writ, and his, her or their security or securities, shall only be liable for the amount of rent found to be due, and ten per centum thereon, together with costs ; and the court shall render judgment against such plaintiff or plaintiffs in replevin, and his, her or their security or securities, accordingly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| rent reserved in money only can be distrained for.   | Sec. 4. <i>And be it further enacted,</i> That distress for rent shall not hereafter be made, unless the said rent is reserved and payable in money ; nor shall the landlord have any exclusive lien on the property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

of his tenant or under-tenant, except the same is the produce of the farm or place rented or leased : *Provided however*, that when any house or houses, within the bounds of any town in this commonwealth, is rented or leased, the landlord shall have a lien as heretofore, on the household furniture of the occupying tenant.

Exception as to property in towns.

Sec. 5. *And be it further enacted*, That when any distress is made, for rent in arrear, the officer making the same, previous to his making sale of the goods, chattels or negroes, so distrained, shall advertise at two or more of the most notorious and public places in the neighbourhood, the time and place of making such sale, at least fifteen days previous thereto.

Sale to be advertised.

Sec. 6. *And be it further enacted*, That any person or persons, whose property is seized by virtue of a distress warrant, shall be allowed at any time previous to the sale thereof, to replevy the claim for three months, by giving sufficient security, to be approved of by the officer who shall have executed the warrant ; whereupon the property so taken, shall be restored : and it shall be the duty of the officer taking such bond, to return the same, within sixty days, to the clerk's office of the circuit court of the county in which such distress was made, together with the warrant of distress ; on which bond, the clerk of such court shall, when due, unless the money be paid, issue an execution as on other replevy bonds, with an endorsement thereon, that " No security of any kind is to be taken : " and the sheriff shall proceed to collect the amount of such execution as in other cases.

Distress may be replevied.

Bond to be returned.

Proceedings thereon.

SEC. 7. *And be it further enacted*, That all acts or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAP. CCLXXXIII.

AN ACT

*Allowing the Citizens of Springfield, further time to elect their Trustees.*

APPROVED, Jan. 31, 1811.

**W**HEREAS, the citizens of Springfield, Washington county, failed to elect their trustees for the year 1811, agreeable to an act of assembly passed for that purpose—For remedy whereof,

*Be it enacted by the general assembly of the Commonwealth of Kentucky,* That the said citizens of Springfield, shall have the further time of two months, from and after the passage of this act, to elect said trustees, any act to the contrary notwithstanding.

CHAP. CCLXXXIV.

AN ACT

*To incorporate the Shareholders of the Washington Library Company, in the town of Washington, in Mason county.*

APPROVED, JAN. 31, 1811.

**Sec. 1.** **B***E it enacted by the general assembly of the commonwealth of Kentucky,* That Basil Duke, Robert Taylor, Francis Taylor, Mann Butler and Adam Beatty, and the rest of the subscribers who have, or may hereafter subscribe to the Washington library company, shall be a body politic and incorporate, by the name and style of "The

Washington  
library compa-  
ny incorpora-  
ted

Washington Library Company ;" and by that name shall have power to sue and be sued, plead and be impleaded, and to have and make use of a common seal.

Sec. 2. That the shareholders of the Washington library company, shall meet at such place, in the town of Washington, on the first Saturday in January, 1812, and on the first Saturday in January, every year thereafter, as they, or the directors thereof may appoint, for the purpose of chusing five directors from among their number, who shall continue in office one year, and until their successors shall have been duly appointed and qualified. The directors so appointed, shall take an oath or affirmation, faithfully and impartially to discharge their duties according to the constitution and laws of the institution.

When shareholders to meet, and for what

Sec. 3. The directors so elected, shall chuse from among themselves a chairman, and shall at all times have, hold, possess and exercise all the authority vested in them by this act, or the articles of the association, and such laws and regulations as shall be made in pursuance thereof.—They shall have power to fill all vacancies which may happen, either in their own body, or in any other office of the association, whether occasioned by death, resignation or otherwise ; but all officers thus appointed, shall hold their offices only until the next general meeting. And they shall also have power to call general meetings of the shareholders, when they may deem necessary.

Powers of directors

Sec. 4. The directors shall have power to make bye-laws and rules for the government of the company, not inconsistent with this act or the articles of association : to procure such books for the use of the library, as in their judgment will best promote the objects of the institution ; and in general to superintend the affairs of the company : but all bye-laws and rules, adopted by the directors, shall be liable to be repealed, amended or new ones enacted, at any general meeting of the shareholders.

Further powers of directors

Sec. 5. Three directors shall form a quorum to do business ; but no books shall be ordered for the use of the library, without an order for that purpose,

Three directors to form a quorum. No books to

be ordered unless a majority of all directors concur.

At general meetings what number of shareholders to form a quorum.

Secretary &c. to take an oath, give bond, &c.

Powers of shareholders

Number of shares, and how transferable

Amount of property limited

Concerning forfeitures.

Shareholders may withdraw and how.

previously made and concurred in, by a majority of the whole of the directors, and entered of record among the proceedings of the association.

Sec. 6. At every general meeting, fifteen shareholders shall constitute a quorum to do business. — They shall have power to provide by law, for the removal of secretaries, treasurers and librarians, for misconduct in office.

Sec. 7. The secretary, treasurer and librarian, shall take an oath or affirmation, impartially to perform the duties of their respective offices; and bond and security may be required of the treasurer and librarian, conditioned for the faithful discharge of the duties assigned them.

Sec. 8. The shareholders shall have full power to recover all and every sum of money now due under the articles of subscription to the said library; or which may hereafter become due to the said corporation, in the same manner as debts of the like amount are recoverable.

Sec. 9. There shall not be more than five hundred shares in the said corporation. — The shares shall be transferable, in such manner and under such rules and regulations as are, or shall be prescribed by said association; and all estates, rights, properties, privileges, debts and funds of every kind, now belonging to said library association, shall be vested in, and belong to said corporation.

Sec. 10. The said corporation shall, and may lawfully possess property, whether real or personal, to any amount not exceeding four thousand dollars, exclusive of its books, maps and drawings.

Sec. 11. There shall be no forfeitures to a greater amount than the value of the share or shares of the delinquent. And the corporation shall have power to make such rules respecting the transfer and forfeiture of shares, as may be deemed expedient.

Sec. 12. Any shareholder may at any time withdraw from the corporation, by entering on the records of said incorporation, a relinquishment of his share or shares, and discharging all claims which the said incorporation may have on him, under the original articles of association, on any bye-laws made

in pursuance thereof, and of this act : and until such relinquishment is made, every shareholder and his legal representatives, shall be responsible for the amount of all debts, fines or contributions, arising under the bye-laws or regulations of said association.

Sec. 13. The articles of association and bye-laws, made before the act of incorporation, shall be considered as valid and binding on the members thereof, until the same shall be repealed or altered, which the said association shall have power to do.

Articles of association binding

Sec. 14. Fifteen or more shareholders, who shall meet at the stated annual meeting, shall have power to proceed to the election of directors and other officers ; and a majority of the shares represented at such meeting, and concurring in such election, shall decide the same. The said corporation shall have power to fix and regulate the fines, forfeitures, penalties and contributions to be paid, and the manner of collecting them.

Directors elected, and how.

Sec. 15. No shareholder shall be entitled to vote in any of the proceedings of the incorporation, until he shall have received a written evidence under the seal of the corporation, of the share or shares to which he is entitled.

Respecting votes

Sec. 16. The secretary shall keep a record of all orders, resolutions and proceedings of said incorporation ; which shall be received as evidence, both for and against the corporation, in any matter of controversy in which the corporation may be concerned : He shall also keep a record or memorial, of all evidences of shares issued to shareholders ; which record, or a certified copy thereof, under the seal of the corporation, shall be evidence in any matter of controversy, wherein such shareholders, or the corporation may be concerned.

Duty of secretary

Sec. 17. The directors chosen by the association, before the passage of this act, shall have full power and authority to act as such, until the general meeting in January, 1812, and until their successors shall have been elected and qualified.

Authority of directors appointed by this act.

## CHAP. CCLXXXV.

## AN ACT

*For the better regulation and preservation of the Buildings, on the Public Square, in Frankfort.*

APPROVED, January 31, 1811.

**B**E it enacted by the general assembly of the Commonwealth of Kentucky, That the keeper of the state-house, shall have power and authority, by and with the advice and consent of the governor, to cause such repairs to be made, from time to time, to the buildings erected at the cost of the commonwealth on the public square, in the town of Frankfort, as may be necessary for their preservation : And upon a statement of the items of such repairs, and their value, approved and countersigned by the governor, the auditor of public accounts may issue a warrant for the amount on the treasury, in favor of the person or persons who shall have performed the services.

**SEC. 2.** *Be it further enacted,* That every person or persons, who shall commit any trespass on the said buildings, by defacing or demolishing any part thereof, or of the inclosure of said public square, or shall commit any other wilful and unlawful act on the premises, shall be subject to a fine not exceeding fifteen dollars, to be recovered by warrant, in the name of the commonwealth of Kentucky, at the instance of the said keeper, before any justice of the peace ; to be applied by said keeper, towards keeping the said buildings and appurtenances in repair : *Provided always,* that nothing in this act contained, shall bar or prevent the suing, or exhibiting any suit, action, or indictment, for any aggravated trespass or injury to the said buildings, or the appurtenances, exceeding the value of said fine, as above limited.

CHAP. CCLXXXVI.

AN ACT

*For the relief of JOHN WILKINSON, and the Sheriff of  
Campbell county.*

APPROVED, Jan. 31, 1811.

**W**HEREAS, it is represented to the present  
general assembly; that John Wilkinson, former  
sheriff of Madison county, was deprived, by unavoidable  
accidents, from getting the delinquents on a  
list sent to him by the auditor for the taxes on land  
and removals in 1806, certified as the law directs ;  
and the said Wilkinson having been compelled to  
pay the whole amount of said list into the treasury,  
without any deduction for delinquents : Wherefore,

Preamble

John Wilkin  
son

SEC. 1. *Be it enacted by the general assembly of the  
commonwealth of Kentucky,* That the auditor is  
hereby authorised and directed to grant the said  
John Wilkinson a warrant on the treasurer, for the  
sum of twenty-four dollars, seventy nine cents, be-  
ing the amount of said delinquent list.

Warrant  
granted

SEC. 2. Whereas it appears that the sheriff of  
Campbell county, is charged improperly on the com-  
missioner's book, containing the lists of taxable prop-  
erty for the year 1809, filed in the auditor's office,  
with twenty-two thousand, five hundred and sixty-  
five acres, and three-fourths, of an acre, of third  
rate land; the said land not being on the commis-  
sioner's book, containing lists of taxable property for the  
same year, which the said sheriff has made his col-  
lections under ; nor yet on the commissioners book  
containing lists of taxable property for the same  
year, which is on file in the clerk's office of Campbell  
county. And whereas the auditor is unwilling to  
allow the said sheriff a credit for the said improper  
charge, conceiving that he cannot settle with the  
said sheriff, except by the commissioner's book filed  
in his office, without legislative interposition : There-  
fore,

Sheriff of  
Campbell

Credit allow-  
ed

*Be it enacted by the general assembly, That the auditor shall, and he is hereby required, to allow the said sheriff a credit in his account for the amount of tax that is charged against the said sheriff, for the said twenty-two thousand five hundred and sixty-five acres, and three fourths of an acre.*

## CHAP. CCLXXXVII.

### AN ACT

*Relative to SHERIFFS.*

APPROVED, January 31, 1811.

Motions vs.  
sheriffs for  
failing to re-  
turn executi-  
ons or pay o-  
ver money li-  
mitted to two  
years.

Provide.

Penalty on  
sheriff failing  
to return exe-  
cutions

Sec. 1. **B**E it enacted by the General Assem-  
bly, That all motions given by the

statutes of this commonwealth, against sheriffs or o-  
ther officers, for failing to return executions, or for  
failing to pay over monies collected upon executions;  
may be had, sued and prosecuted, (in cases hereaf-  
ter arising) at any time within two years after the  
return day expressed in such writs respectively, and  
not after, counting the said limitation from the said  
return day to the delivery, or other lawful service  
of notice of the intended motion: *Provided however,*  
that if judgment be given for the plaintiff in any such  
motion, and the same shall be afterwards arrested or  
reversed, or if the said motion shall be overruled for  
any informality, or shall be quashed, superceded, dis-  
missed or reversed for any cause, other than a decision  
upon the substantial merits of the demand in chief,  
the plaintiff shall be allowed to commence and prose-  
cute the said cause of complaint, by motion, at any  
time within one year after such overruling, dismissal,  
arrest or reversal.

Sec. 2. *Be it further enacted, That if any sheriff,*  
or other officer, shall, without good cause, fail, ne-  
glect or refuse to return according to the command  
thereof, any execution which shall have come to hand

and to him directed, for the space of one month after the return day thereof, he or they so failing or refusing, shall be liable to the party aggrieved thereby, for principal, interest and costs expressed in such writ of execution, together with thirty per centum damage on the whole amount thereof, to be recovered by motion in like manner, and under limitations and provisos, prescribed and provided in case of failure to pay over monies collected upon execution.

how recovered

Sec. 3. *Be it further enacted*, That it shall be the duty of the clerk to endorse every execution issued upon judgments recovered under the foregoing sections of this act, that "no security of any kind is to be taken."

endorsement on certain executions

Sec. 4. *Be it further enacted*, That no sheriff or other officer, shall be compelled or required to go out of his proper county or bailiwick, to tender his return of any writ of execution, or other process to him directed in civil cases: *Provided however*, that the sheriff or other officer, shall inclose such process, with his return thereon, (keeping a copy thereof) directed to the plaintiff or his attorney, and send the same by mail, or other safe conveyance from counties in which no post-office is established, to the county wherein the court is holden whence such process issued.

sheriff need not go out of his county to return process

how the same may be sent.

Sec. 5. *Be it further enacted*, That it shall be the duty of every circuit court, and of the general court and courts of appeals respectively, to appoint, by a rule of court, some day in each month as general return days of executions.

Courts to appoint monthly return days

Sec. 6. *Be it further enacted*, That the several motions in this act alluded to and permitted, may be had, sued, commenced and prosecuted under the limitations and provisos aforesaid, against sheriffs, deputy sheriffs, constables, coroners, the sergeant of the court of appeals, and every other officer to whom any writ of execution may be directed by authority of law, and their deputies, and the securities of of principal or deputy respectively, their heirs, executors or administrators.

To whom the provisions of the act to apply.

Sec. 7. *Be it further enacted*, That all sales of land to be made by virtue of any execution, and which by

Where sales of land to be made

law, are required to be made on the premises, shall be made on some notorious and public part thereof : and no sale of real estate, by virtue of any execution, shall be commenced sooner in the day than eleven o'clock, A. M. nor later than three o'clock, P. M. And all sales by colour of any execution, had or made by covin, fraud or collusion, between plaintiff and sheriff, or other officer acting under such execution ; or between defendant and such officer ; or between any purchaser or any such officer, or in any wise contrary to the provisions hereof, may be set aside by motion to the court having proper jurisdiction thereof, to be commenced within one year, by any person or party aggrieved thereby, by serving a notice of the intended motion on the proper parties thereto : which notice, if served in term time of the court having jurisdiction thereof, may be returned during the same term, or to the term next succeeding such service : *Provided*, that the court may for good cause, grant continuances of said motion, from term to term, or from one day of a term, to another day of the same term.

**SEC. 8.** *Be it further enacted*, That it shall be the duty of the clerk of the court, from whence any execution may issue, to note in his execution book, the time when the same is returned to his office ; which shall be evidence on motion or suit against any sheriff, for any failure to perform the duties prescribed by this act.

**SEC. 9.** *And be it further enacted*, That all motions now allowed by law against sheriffs, for officers fees put into their hands for collection, may be sued and prosecuted as heretofore, at any time within two years after the time at which he is bound by law to account for such fees.

CHAP. CCLXXXVIII.

AN ACT

*Authorising a Lottery to improve the Limestone road,  
from Maysville to the South end of Washington, in  
Mason county.*

APPROVED, JANUARY 31, 1811.

SEC. 1. **BE** it enacted by the General Assembly;  
That it shall and may be lawful, for **Managers ap**  
Francis Taylor, Adam Beatty, John Chambers, **pointed**  
James Chambers, James Morris, Vincent Cleneny  
and John Brown, or a majority of them, to raise by  
lottery, in one or more classes, as to them may ap-  
pear necessary, any sum not exceeding five-thou-  
sand dollars, to be applied to the purposes hereaf-  
ter mentioned; and the said Francis Taylor, Adam  
Beatty, John Chambers, James Chambers, James  
Morris, Vincent Cleneny and John Brown, are here-  
by bound to pay to the fortunate persons, the amount  
thateach person shall be justly entitled to by the e-  
vent of said lottery; and in case of failure, shall be  
liable to the action of the party aggrieved, or so ma-  
ny of them as were concerned in carrying the said  
lottery into effect. The drawing of said lottery shall  
be done at the town of Washington, in the county of  
Mason, and shall not commence unless two of the  
justices of the peace in said county are present,  
whose duty it shall be, to see that the same is fairly  
and properly conducted; and each of the drawers,  
examiners and clerks, and all others concerned in  
drawing said lottery, shall before the same commen-  
ces, take an oath to act fairly and impartially in the  
discharge of their several offices; which any justice  
of the peace in said county may administer. If the  
said lottery is not drawn within two years from the  
passage of this act, it shall be lawful for the purcha-  
sers of tickets, to demand and receive the money  
they have respectively paid, from the persons recei-  
ving the same.

duty of mana-  
gers

Where to be  
drawn

justices of  
the peace,  
their duty.

How money  
refunded.

*How to be applied* SEC. 2. *Be it further enacted,* That the profits resulting from the said lottery shall be applied by the said managers, to the improvement of the road leading from Limestone, in Mason county, through the town of Washington, as followeth, to wit: One half of the profits of said lottery, to be applied exclusively to the improvement of that part of the road which lies between Maysville and the top of Limestone hill, as to the said managers shall seem best—And the other half of the said profits, to be applied to the improvement of such part of the said road from the top of Limestone hill, to the south end of the town of Washington, and in such manner as to the said managers, or a majority, shall seem most expedient.

*first meeting.* SEC. 3. *And be it further enacted,* That the said managers shall hold their first meeting at the house of Baldwin B. Smith, in the town of Washington, on the third Monday in March next, and whenever thereafter they deem expedient.

CHAP. CCLXXXIX.

AN ACT

*Concerning the Lexington Library Company.*

APPROVED, January 31, 1811.

SEC. 1. *BE it enacted by the General Assembly of the commonwealth of Kentucky,* That the directors of the Lexington Library Company, or their successors, may raise by lottery, in one or more classes, as to them may seem best, any sum of money not exceeding three thousand dollars; and that they, and their successors, shall be liable to the fortunate persons, for any sum of money they may be entitled to, in drawing the said lottery.

SEC. 2. *Be it further enacted,* That if the said lottery is not drawn within three years, the persons purchasing tickets may recover the amount paid therefor.

CHAP. GCLXC.

AN ACT

*Supplementary to an act entitled "an act to revive the laws allowing longer time for receiving plats and certificates into the Register's office," Approved, January 25, 1811.*

APPROVED, Jan. 31, 1814.

Sec. 1. **B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That nothing in the third section of the before recited act, shall be construed to legalize or give validity, to any military or Virginia land-office treasury warrant claim, which has been entered, surveyed or patented south of Green river, or in the tract of country acquired by the treaty of Tellico.

Sec. 2. *Be it further enacted,* That nothing in this act shall be construed, to prevent any persons from returning plats and certificates to the register's office, agreeably to the provisions of the first, second and third sections of the before recited act.

CHAPTER CCLXCI.

AN ACT

*For the relief of certain Clerks and Surveyors in this Commonwealth.*

APPROVED, JAN. 31, 1811.

**W**HEREAS an act passed at the last session of the general assembly of this commonwealth entitled 'an act concerning the bonds of certain officers, guardians, administrators and executors' approved, January 23d, 1810—by which said recited

**Preamble**

act, the several clerks or surveyors in this commonwealth, were bound to enter into bond, according to the provisions in the before recited act contained, sometime in the year 1810; which bonds were directed by said act, to be transmitted by said clerks, to the clerk of the court of appeals, in the year aforesaid. And whereas it is represented to the present general assembly, that many of the clerks in this commonwealth have entered into bond according to the provisions of the before recited act, but unintentionally have neglected and failed to transmit the same to the clerk of the court of appeals, within the time limited by said act—For remedy whereof,

Clerks and surveyors who have failed to transmit their bonds to the clerk of the court of appeals, allowed a further time of six months

If they have failed to give bond, or if given, it has been lost, the further time of six months given to execute the bond required.

**Sec. 1.** *Be it enacted by the general assembly,* That where any clerk or surveyor, hath entered into bond according to the provisions in the before recited act, and hath failed to transmit the same to the clerk of the court of appeals, within the time aforesaid; that in every such case, such clerk or surveyor be allowed the further time of six months, from the end of this present session of assembly, to return said bond to the clerk of the court of appeals.

**Sec. 2.** *Be it further enacted,* That where any clerk or surveyor hath failed to enter into bond and security by the said recited act required, or if having given bond, the same hath been lost or mislaid, the further time of six months from the passage of this act, be allowed them to enter into bond and security, as by the said recited act is required, and return them to the proper office.

—●—  
**CHAP. CCLXXIII.**  
—●—

**AN ACT**

*For the appropriation of MONEY.*

APPROVED, JAN. 31, 1811.

**Sec. 1.** *BE it enacted by the general assembly of the commonwealth of Kentucky,*

That the following allowances shall be made to the several persons hereafter mentioned, for their services during the present session of the General Assembly, to wit :

To the speakers of the senate and house of representatives, four dollars per day each : speaker of senate & H. R.

To the clerks of the senate and house of representatives, sixty dollars per week each : Clerks of Senate and H. R.

To the clerk of the committees of the senate, fourteen dollars per week : Clerk committees of the Senate.

To the clerk of the committees of propositions and grievances, privileges and elections, for the house of representatives, fourteen dollars per week : Clerks of committees in H. Representatives.

To the clerk of the committees of claims, religion and courts of justice, fourteen dollars per week.—

To the sergeant at arms of the senate, sixteen dollars per week : Sergeant at arms.

To the sergeant at arms of the house of representatives, sixteen dollars per week :

To the door-keeper of the senate, sixteen dollars per week : Door-keepers

To the door-keeper of the house of representatives, sixteen dollars per week :

To the clerks of the senate and house of representatives, for stationary furnished during the present session, twenty dollars each : Clerks.

To Roger Divine, for cutting fuel, furnishing water kettles, candlesticks and candles, for the house of representatives during the present session, forty-four dollars : Divine,

To David Johnson, for cutting fuel, furnishing water kettles, candlesticks and candles, for the senate during the present session, forty-four dollars : Johnson.

To William Winslow, for his services as agent on behalf of the commonwealth, under an act passed December 24th, 1806, authorising the government to appoint agents to prevent unlawful warlike enterprises, sixty dollars : Winslow

To Walter Thomas, the sum of seventeen dollars fifty-three cents : Thomas,

Catham Ewing, eighteen dollars forty-nine cents ; Ewing.

Samuel H. Curd, eighteen dollars fifty-six cents, Curd.  
for travelling and attendance as witnesses on behalf

of John Neely, a justice of the peace in Logan county :

Morehead

To Armstead Morehead, clerk of Logan county court, one dollar and twenty cents, for a copy of nine pages of record, produced on the trial of the justices of Logan county :

Crutchloe.

To James Crutchloe, captain of a company ordered to apprehend some fugitives from justice, for three days services, six dollars :

To Thomas Sloan, Edward Cannon, Henry Dean, Elias Roads, John Mattenly, John Tucker, James W. Melone, Ebenezer Patton, Zachariah Avery, sen. and David Hamilton, privates in said company, the sum of three dollars each; for three days services :

R. Taylor,  
sergeant at  
arms.

To Richard Taylor, sergeant at arms, for summoning witnesses on the trial of Jesse Cravens, from the counties of Franklin, Woodford, Garrard, Lincoln, Mercer, Warren and Ohio, and sending for a record to Lincoln; also for summoning witnesses in the case of the general inquiry into the conduct of the Logan magistrates, from the counties of Woodford, Barren, Warren, Logan, Christian, Livingston and Muhlenberg, and taking the deposition of John Curd: also for summoning witnesses in the inquiry into the situation of Martin Hawkins' mill dam, from the counties of Woodford and Franklin: also for summoning witnesses upon the inquiry into the conduct of the public printer, from Franklin, three hundred and fifty-five dollars :

Johnson.

To David Johnson, for one hundred and twenty loads of Wood, one hundred and twenty dollars.

Cox.

To Tunstall Cox, for repairs done to the capitol and lot, and necessities furnished, one hundred and seven dollars, ten cents.

Lowry.

To William Lowry for repairing furniture of the government house, sixteen dollars sixty cents :

Loofbourrow,

To Thomas V. Loofbourrow, for improvements in the committee room, twenty-two dollars, eighty-seven and one half cents :

Andrews.

To Alexander Andrews, for repairs done to the court room in the capitol, nine dollars, sixty-two and one half cents ;

To his excellency Charles Scott, the sum of one hundred and twenty-five dollars, to be appropriated in repairs to be made to the government house and lot, the present year : Governor

To William I. Philips, for a cord, block and pulley to the door of the representative chamber, one dollar. Philips

To Edmund Bacon, for building a house and finding materials therefor, on the governmental lot, one hundred and forty-eight dollars, ninety cents and five mills : Bacon

To William Gerard, public printer, the balance of his account for the past year, seven hundred, twenty-three dollars, fourteen cents and five mills : Gerard

To the public printer in advance, for services of the present year, five hundred dollars :

To David Neiss, jun. for binding the acts of the present session, three hundred and twenty-five dollars ; one hundred and twenty five dollars thereof to be paid in advance, the residue when the work is completed. Neiss

Sec. 2. *Be it further enacted*, That the speakers of the respective houses, in making out the certificates to the clerks of each house respectively, shall add four days to the number which the legislature have been in session, as the time they will be necessarily employed in completing the journals, preparing the acts for publication, arranging and filing the papers : Clerk

To Samuel Scott, four pounds, two shillings and nine pence, for his services in the militia, under the command of gen. B. Logan, in the year 1786 and under the command of capt. William Steele, performed in the year 1787 ; which sum shall be receivable and payable, in instalments due the commonwealth, for the sale of vacant land. Scott

To the sergeant at arms of the senate, for carrying writs of elections to the district of Jefferson and Bullitt, in 1810, twelve dollars ; carrying a writ of election to the county of Henry, four dollars ; carrying a writ of election to Jefferson, in 1809, for senator in the room of J. F. Moore, esq. deceased, six dollars ; to six inkstands for the use of the senate, three dollars ; to three volumes of Little's revision of the laws, twelve dollars : Sergeant at arms of the senate

**R. Taylor**

To Richard Taylor, sergeant of the court of appeals, to returning summons commonwealth against Philips Caldwell, not found, twenty one cents; to executing summon on Richard Henderson, Anthony Arnold, John Bucey and Robert Wallace, two dollars and fifty cents; to travelling ninety-eight miles, at three cents per mile, two dollars ninety-four cent; to summoning nine witnesses, and travelling seventy-eight miles, at three cents per mile, seven dollars, ninety six and an half cents:

**Auditor**

To the auditor of public accounts, in addition to his annual salary, five hundred dollars, to enable him to employ a competent number of clerks in his office:

**Jellison**

To James Jellison, as a nightly watch for the years 1810 and '11, five dollars.

CHAP. CCLXCIII.

AN ACT

*For the benefit of JOHN WEAGLE*

APPROVED JANUARY 31, 1811.

**W**HEREAS it is represented to the present general assembly, that there is large quantities of vacant and unappropriated land in this commonwealth, poor and unfit for cultivation, but useful to farmers and mechanics for the timber and bark thereon. And whereas John Weagle, an inhabitant of Madison county, and a tanner by trade, hath petitioned the legislature for leave to locate and survey two hundred acres of vacant and unappropriated land, for the use of the bark thereon—Wherefore,

*Be it enacted by the General Assembly,* That the said John Weagle is hereby authorised to locate and survey any quantity not exceeding two hundred acres of vacant and unappropriated land, to include the head of the west branch of Buck creek, a branch

of the Kentucky river, to be laid off in a square form, and not to exceed in length more than three times in breadth: *Provided however*, that the said John Weagle shall not include in his survey, any salt lick or spring, or any bank of iron, lead or silver ore, or any actual settler with two hundred acres, to include his settlement in the centre, or interfere with any other claim: and upon the said John Weagle's producing to the register of the land office, a plat and certificate of survey, made agreeable to the provisions of this act, and paying into the public treasury at the rate of twenty dollars per hundred acres, within two years from the passage of this act, the register shall issue a grant on such plat and certificate, as in other cases.

CHAP. CCLXCIV.

AN ACT

*Authorising a Lottery for building a Bridge over the South fork of Licking in Harrison county.*

APPROVED, January 31, 1811.

**B**E it enacted by the general assembly of the Commonwealth of Kentucky, That it shall and may be lawful, for James Finley, James Kelly, Isaac Miller, William Brown, William Moore, James Coleman and Samuel M'Millan, or a majority of them, to raise by lottery, in one or more classes as to them may appear necessary, any sum not exceeding fifteen hundred dollars, to be applied to the purposes hereafter mentioned: and the said James Finley, James Kelly, Isaac Miller, William Brown, William Moore, James Coleman and Samuel M'Millan, are hereby bound to pay to the fortunate persons the amount that each person shall be justly entitled to by the event of said lottery; and in case of failure, shall be liable to the action of the party aggrieved, or so many of

Managers appointed

Duty of managers

Where to be drawn them as were concerned in carrying the said lottery into effect. The drawing of the said lottery, shall be done at the house of George Pickett, in the town of Cynthiana, in Harrison county; and shall not convene, unless two of the justices of the peace in said county are present—whose duty it shall be, to see that the same is fairly and properly conducted. And each of the said drawers, examiners and clerks, and all others concerned in drawing said lottery, shall before the same commences, take an oath, to act fairly and impartially in the discharge of their several offices; which oath any justice of the peace in said county, may administer. If the said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of the tickets, to demand and receive the money they have respectively paid, from the persons receiving the same.

Justices of the peace  
Their duty

Money refunded

Law applied

Sec. 2. *Be it further enacted*, That the profits arising from the said lottery, shall be applied by the said James Finley, James Kelly, Isaac Miller, William Brown, William Moore, James Coleman and Samuel M'Millan, to the erection and completion of a bridge across the South fork of Licking, at the town of Cynthiana, in Harrison county.

## CHAP. CCLXCV.

### AN ACT

*Authorising a sale of the real estate of John W. Walker, deceased.*

APPROVED, January 31, 1811.

Preamble

**W**HEREAS John W. Walker, of Madison county, descended the Kentucky river in the spring 1810, to New-Orleans; from which place, he and others chartered a vessel for the island of Cuba, where the said John departed this life: and whereas it is represented to the legislature, that the

said John's personal estate is insufficient to discharge his debts ; which, or a principal part, were contracted for produce purchased for foreign markets ; and it being represented by James and David V. Walker, brothers and administrators, and Parthenia Walker, widow of said John W. Walker, that it would be most beneficial to the creditors, and the two infant children of the said John, to sell a part of the real estate of the said John : Therefore,

*Be it enacted by the General assembly,* That it shall and may be lawful, for the Madison circuit court, on the petition of James Walker and David V. Walker, administrators of John W. Walker, deceased, and Parthenia Walker, relict of the said John, stating the amount of the value of the personal estate of the said John deceased, and the demands against the said estate, so far as may come to their knowledge at the time of the said petition ; and also state the amount of the tracts of land, and the quantity belonging to the heirs of said John ; and if to the said court, it shall appear to be more beneficial to the creditors and heirs of the said John deceased, that the land or any part thereof, shall be sold in preference to the personal estate, they may decree accordingly ; and make such order therefor, to carry the decree into effect, as in other cases on decrees for the sale of real estate, by a court of chancery ; and all sales and conveyances, made in pursuance of the decree of said court, shall be valid : *Nevertheless,* the heirs of the said John, deceased, may, at any time within three years after they or either of them attain to lawful age, by suit in chancery, impeach the sale under the decree aforesaid, for any fraud in procuring the sale of the real estate, or any part, of the said John W. Walker, deceased, in the same manner as though this act had not passed.

Madison  
court may de-  
cree sale and  
conveyance  
on petition of  
executors.

Heirs may  
impeach the  
decree

CHAP. CCLXCVI.

AN ACT

*Better to regulate proceedings in Caveats.*

APPROVED, Jan. 31, 1814.

Grants not to  
issue pending  
a caveat.

Sec. 1. **B**E it enacted by the general assembly  
of the commonwealth of Kentucky, That

from and after the passage of this act, no grant shall  
issue to the plaintiff in any caveat, entered or to be  
entered, or to any other person in trust for the  
plaintiff, or to his use, either upon the entry, loca-  
tion or survey, upon which such caveat may be  
bottomed, or upon any other claim, so as to include  
the land, or any part thereof, within the survey, a-  
gainst which such caveat is, or may be entered, un-  
til such caveat shall be dismissed, decided or deter-  
mined : and any grant which shall issue contrary  
to the direction and intent of this section, shall, to  
the extent of such interference, be taken and held  
as fraudulent.

a second cave  
at shall not be  
entered.

Sec. 2. *And be it further enacted,* That where the  
plaintiff in any caveat, entered or to be entered,  
shall be non-suit, or shall enter a dismissal or re-  
traxit, or shall have judgment against him for any  
cause whatever, in such caveat, he shall not be per-  
mitted to enter a second caveat, against the issuing  
of a grant upon the survey so first caveated, founded  
upon the same claim asserted in his first caveat, or  
upon any other claim whatever, or in any manner  
by himself or another in trust for him, or secretly  
to his use, to stay the grant from issuing upon the  
survey, so as aforesaid caveated : and any and every  
contrivance, shift or device, had or contrived, to  
evade the provisions hereof, shall render null and  
void any elder grant or grants, had or obtained by  
such shift, contrivance or device.

manner of con-  
ducting the  
preparation &  
trial of caveats

Sec. 3. *And be it further enacted,* That in every  
caveat to be entered, where an appearance for the  
defendant shall be entered, or the summons shall be

returned executed, the plaintiff shall, before or during the term next succeeding such return, or appearance entered, on pain of having his caveat dismissed, file a written statement of the facts on which he intends to rely ; and the defendant shall, within sixty days thereafter, file a written statement of the facts on which he intends to rely : *Provided however*, the court for good cause shewn, may allow either party a farther day for filing his statement, or for making additional statements.

Sec. 4. Either party, after filing his statement, may proceed to take depositions, before any justice of the peace in this commonwealth, to be used as evidence in the said caveat, the adverse party having been served with reasonable notice of the time and place of taking such deposition or depositions.

When depositions may be taken

Sec. 5. After the time prescribed or allowed to each party for filing his statement has expired, one whole vacation shall be allowed for taking depositions and filing exhibits ; and the cause shall stand for trial at the court terminating such vacation—at such term, the court shall try the caveat upon the statements, depositions, exhibits and facts agreed, as in suits in equity : *Provided however*, that for good cause shewn, the court may rule the cause for trial at a farther time.

Time allowed for taking depositions

when to be tried

Sec. 6. That in all caveats now depending, or hereafter to be commenced, either party may appeal from the decision of the court, or may prosecute a writ of error, within three years from and after such decision, but at no time thereafter : saving however, to all persons claiming by virtue of any military or treasury warrant, being infants, *femes covert*, of unsound mind, or residing out of this commonwealth ; being also citizens of the United States ; to infants, *femes covert*, and persons of unsound mind, residing in this commonwealth ; but to none other, the right within three years, after they shall respectively come into this commonwealth, or their respective disabilities are removed, to prosecute a writ of error.

Parties may appeal

All acts or parts of acts, contrary to the provisions hereof, shall be, and the same are hereby repealed.

## RESOLUTIONS.

**R**ESOLVED by the General Assembly, That a joint committee of two members from the Senate, and four from the House of Representatives, be appointed to inquire of the President and Directors of the *Bank*, into the situation and state of that institution; and the said President and Directors are required to give to the committee aforesaid, a full and complete statement of the situation thereof including its Branches—each of which is to be particularly designated—and make such report to each House, as shall be by said committee deemed expedient.

APPROVED, Jan. 4, 1811.

**W**HEREAS, it appears to the present General Assembly, that a road passing through the Indian Territory, and to commence on the road cut by order of the Secretary of the War Department, (from Natchez to Nashville) at the seat of the Chickasaw agency, and leading from thence the nearest and best route to widow Hunnold's ferry, on the Tennessee river, would be of great public utility and convenience to the inhabitants of the South-Western part of this state, and of the three South-Western Territories bordering on the Ohio and Mississippi: therefore,

**RESOLVED**, By the General Assembly, that our Senators in Congress be instructed, and the Representatives of this State, be requested, to use their best endeavors to procure from the proper authorities of the general Government, a road to be opened accordingly.

*Resolved*, That a copy of the foregoing resolution, be forwarded to the Senators and Representatives of this state in Congress: and that the governor of this Commonwealth, be requested to cause the same to be done.

APPROVED, JANUARY 4, 1811.

**W**HEREAS it is represented to the present general assembly, that from various causes, the returns of the strength and condition of the militia of this commonwealth for the last year, are extremely defective and irregular; and whereas regularity and uniformity in said returns, is much to be desired: To the end therefore, that this desirable object may be attained,

**RESOLVED**, by the general assembly of the commonwealth,

of Kentucky, That it shall be the duty of the adjutant general, and he is hereby required, on or before the first day of April next, to have printed such a number of blank militia returns, for divisions, brigades, regiments, battalions and companies, as will enable him, to furnish the commandants of divisions, brigades, segments, battalions, and companies each.

*Resolved also*, that the public printer be, and he is hereby required, upon the application of the adjutant general, to print such a number of the respective blanks as the adjutant general shall require—for which he shall be paid so much as is now allowed by law for such printing, upon producing to the Auditor of public accounts, a certificate of the amount of work, from the adjutant general.

APPROVED, JANUARY 30, 1811.

**RESOLVED**, That the interest of this commonwealth, does imperatively require the extinguishment of the Indian claim, to the Territory lying South of the Tennessee river, and within the limits of the Southern boundary line of Kentucky.

*Resolved*. That our senators and representatives in Congress, be severally requested to procure from the proper authorities of the General government, the adoption of such measures as will effect this desirable and important object.

*Resolved*, That the Governor of this commonwealth be requested to transmit to each of our senators and representatives in Congress, a copy of the foregoing resolutions.

APPROVED, January 31, 1811.

**RESOLVED** by the General Assembly of the commonwealth of Kentucky, That the public printer be directed to print immediately, fifteen hundred copies of the act passed at the last session of the legislature, "altering the mode of taking in lists of taxable property, in this commonwealth," together with the amendments thereto, passed at the present session of the legislature—and annex thereto the form of a list headed "form of commissioner's books," in the 24th section of an act passed the 21st of December, 1799, entitled "an act to amend and reduce into one the several acts establishing a permanent revenue," and lodge them with the secretary for the time being, to be deposited in the several county court clerks offices in the commonwealth; for the use of such persons as may be appointed to take in lists of taxable property.

APPROVED, JAN. 31, 1811.

**RESOLVED** by the General Assembly of the commonwealth of Kentucky, That our senators and representatives in Congress, be requested to oppose a renewal of the charter of the bank of the United States.

*Resolved*, That the Governor be, and he is hereby requested to transmit copies of the foregoing resolution to our senators and representatives in Congress as soon as possible.

APPROVED January 31, 1811.

**WHEREAS** it appears to the present General Assembly, that the number of Hardin's Reports of the decisions of the court of appeals, which were subscribed for in behalf of the commonwealth, have been deposited with the secretary of state, subject to such disposition as the legislature shall deem expedient. And whereas it is thought proper that some distribution thereof should be made:

**RESOLVED** by the General Assembly of the commonwealth of Kentucky, that the secretary of state be, and he is hereby directed, to distribute said reports, or so many copies thereof as shall be sufficient, to the respective par-

One hereafter named, to wit.—To the judge of the United States circuit court one copy, to the judge of said district court one copy; to the clerk of each of said courts one copy, to each of the judges of the court of appeals; to each circuit and associate judge in this commonwealth, one copy each; to the clerks of the general court, court of appeals, and each circuit and county court one copy; which copies shall be distributed at the time, and in the manner that the acts of the present session of the General Assembly are directed to be distributed; and the said copies when so distributed, shall be considered as attached to the respective officers; and shall pass with the same.

APPROVED, JAN. 31, 1811.

THE General Assembly of the commonwealth of Kentucky, have taken under consideration the section submitted by the senate and house of representatives of the United States of America, as an amendment to the constitution of the United States, proposing, that,

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them;"

WHEREUPON, *Resolved*, that the assent of the state of Kentucky be, and it is, by the legislature thereof, hereby given to the said proposed amendment to the constitution of the United States; and on the part of the said state of Kentucky, it is assented that the said section be adopted, and shall be valid and binding as a part of the constitution of the United States, when ratified by the legislatures of three fourths of the States.

*Resolved*, That the Governor of this commonwealth be requested to communicate the foregoing resolution to the senate and house of representatives of the United States, and to the Governor of each of the states.

APPROVED, JANUARY 31, 1811.

WHEREAS it is important to the prosperity of the United States, that the infant manufactories thereof should be protected, and the exports of the manufactured articles of our country encouraged by restricting and protecting duties—and whereas it is conceived that those desirable objects have been, and will continue to be retarded, so long as greater advantages and encouragement are held out to importers of foreign manufactures, than to exporters of our own; and those objects can only be attained by the interference and acting of Congress upon the subject—Therefore.

*Resolved by the General Assembly of the commonwealth of Kentucky*—That our senators in Congress be directed, and our representatives be requested to lay before Congress, a memorial upon the foregoing subject, from the mechanics and manufacturers of Kentucky, and use their endeavors to effectuate the objects represented therein.

*Resolved*, That the Governor be requested to enclose a copy of the foregoing resolution to each of our senators and representatives in Congress.

APPROVED, JAN. 31, 1811.

RESOLVED by the General Assembly of the commonwealth of Kentucky, That the Public printer be, and is hereby directed, to print fifteen hundred copies of the amendment to the militia laws, passed at the present session, and lodge the same in the secretary's office, at the same time he deposit's the laws of this session. And the secretary is hereby required, to distribute said copies with the laws, so as to furnish one copy to the commandant of each division.

brigade, regiment, battalion and company; as also, one copy to the several staff officers attached to the militia of this state.

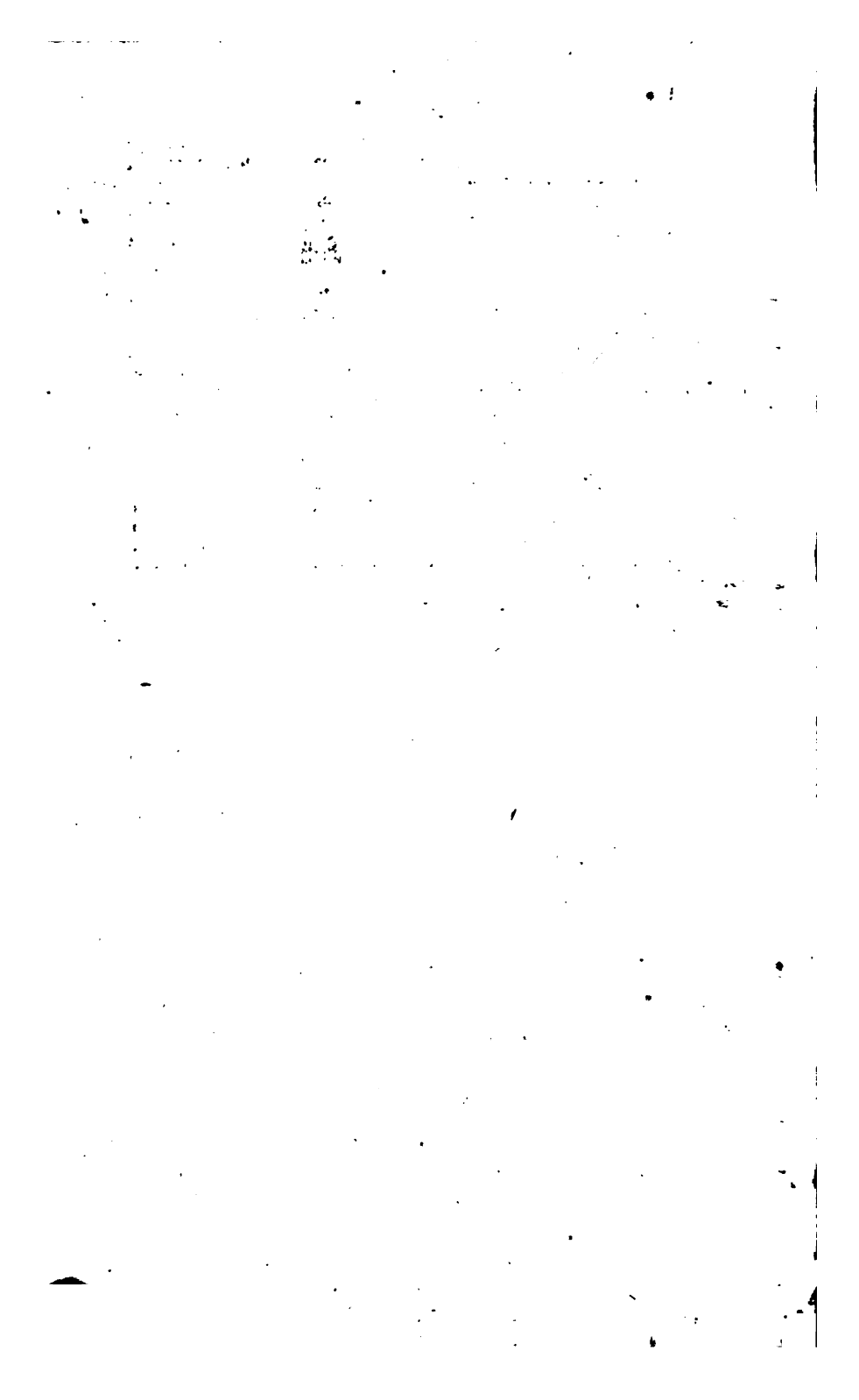
APPROVED, January 31, 1811.

RESOLVED by the General Assembly, That the public printer be, and he is hereby directed, to print 1300 copies of the ACTS passed at this session of the general assembly, and lodge them in good order at the book-binding of David Niess, junior—whose duty it shall be, immediately to bind the said copies respectively, in substantial half binding, with leather backs and corners, neatly lettered and rolled—for which he shall receive at the rate of 25 cents for each copy—and shall immediately after having completed the same, deliver them to the secretary of state, who shall distribute them among those entitled thereto—*Provided*, that no person shall be entitled to more than one copy.

APPROVED, Jan. 31, 1811.

RESOLVED by the General Assembly of the commonwealth of Kentucky, That the measures recommended and pursued by the President of the United States to obtain possession of that part of West Florida, alluded to in his proclamation, is highly approved by the legislature of Kentucky—That for ourselves and the people of Kentucky, we pledge a cheerful support and co-operation, in such measures as by the constituted authorities of the General government, shall be adopted relative to the claim so asserted on the part of the United States.

APPROVED JANUARY 31, 1811.



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